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## Regulations

### TITLE 6—AGRICULTURAL CREDIT

#### Chapter I—Farm Credit Administration

[FCA Order 378]

#### PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

#### HOLDING BY FEDERAL LAND BANKS OF TITLE TO REAL ESTATE FOR A PERIOD LONGER THAN 5 YEARS

Section 3.9 of Title 6, Code of Federal Regulations, as amended (6 F.R. 2347), is further amended to read as follows:

§ 3.9 *Authorization to approve the holding by Federal land banks of title to real estate for a period longer than 5 years.* Authorization is given, severally and not jointly, to any deputy land bank commissioner, and to the Chief, Assistant Chief, and Farm Service Analyst of the Loan Service and Real Estate Section, to approve, on such terms as he shall direct, the holding by Federal land banks of title and possession of real estate for a period longer than 5 years pursuant to paragraph Fourth (b) of section 13 of the Federal Farm Loan Act (39 Stat. 372, 12 U.S.C. 781 "Fourth" (b)), as amended. (E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (m); Memorandum No. 846, Sec. of Agric., Jan. 6, 1940)

[SEAL]

A. G. BLACK,  
Governor.

[F. R. Doc. 43-10651; Filed, July 2, 1943; 10:17 a. m.]

#### PART 96—AGRICULTURAL LOANS AND ADVANCES BY THE REGIONAL AGRICULTURAL CREDIT CORPORATION OF WASHINGTON, D. C., at KANSAS CITY, MISSOURI, FOR MAXIMUM WAR PRODUCTION

#### ADVANCES TO FINANCE EXTRAORDINARY PRODUCTION OF ESSENTIAL AGRICULTURAL COMMODITIES

Pursuant to section 201 (e) of the Emergency Relief and Construction Act of 1932 (47 Stat. 713, 12 U.S.C. 1148); Executive Order 6084, dated March 27, 1933; section 33 (b) of the Farm Credit Act of 1937 (50 Stat. 717, 12 U.S.C. (7 F.R. 10179) 1148c (b)); Executive Order No.

9280, dated December 5, 1942; Memorandum No. 1065 of the Secretary of Agriculture, dated January 20, 1943; Food Production Memorandum No. 2 signed by the Director of Food Production and approved by the Secretary of Agriculture January 22, 1943; Executive Order No. 9322, dated March 26, 1943 (8 F.R. 3807), as amended by Executive Order No. 9334, dated April 19, 1943 (8 F.R. 5423); and Memorandum No. 1036 of the Secretary of Agriculture, dated April 26, 1943;

Sections 96.200 (b) and 96.201 of Title 6, Code of Federal Regulations, are amended:

1. Whereas, the form of "Promissory Note Evidencing Special War Crop Advance" (Form RACC-FP4), taken by the Regional Agricultural Credit Corporation for advances made under Subpart B of Part 96, provides that the Regional Agricultural Credit Corporation may designate some other agency or person, instead of the County War Board, to make the certification required in § 96.200 (b), and specifies that the facts so required to be certified shall be those stated in the following amendment of that section;

Section 96.200 (b) (8 F.R. 3291) is amended to read as follows:

§ 96.200 *Introduction.* \* \* \*

(b) Such advances may be made on the following terms: The borrower shall undertake production of a specified quantity of essential war crops and shall be personally liable for the full amount of the advances; except that if the District Vice President of the Regional Agricultural Credit Corporation certifies, upon the recommendation of the County War Board, that:

(1) The borrower has used the amount advanced for producing the crops for the production of which the advances were made;

(2) The borrower has provided for insurance on such crops to the extent and in the manner required by the Regional Agricultural Credit Corporation to protect its interest in such crops;

(3) The borrower, in good faith, has diligently applied principles of good husbandry to the production of such crops;

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(4) The borrower has applied to the repayment of the advances an amount equal to all proceeds of such crops, including the proceeds of any incentive or other similar payments made by the United States on such crops and the proceeds of any insurance on such crops; and

(5) Such amount has been insufficient to repay the advances in full,

then the Regional Agricultural Credit Corporation will not look to other assets of the borrower for the repayment of that part of the advances which exceeds such proceeds but will cancel the borrower's obligation for the balance of the advances.

2. Section 96.201 (8 F.R. 8291) is amended by adding the following to the list of "essential war crops" designated therein:

§ 96.201 *Essential war crops.* \* \* \*

Sea Island cotton

Corn and grain sorghums to be planted in rows and cultivated as cash grain crops in the counties in Arkansas, Illinois, Indiana, Kansas, Missouri, and Oklahoma, designated by the American Red Cross.

Food or feed crops to mature in 1943 planted on land which has been flooded in areas designated by the United States Department of Agriculture State War Boards in the Fourth, Sixth, and Ninth Farm Credit Districts.

[SEAL] REGIONAL AGRICULTURAL CREDIT CORPORATION OF WASHINGTON, D. C.,  
By J. E. WELLS, Jr.,  
Acting President.

Approved:

A. G. BLACK,  
Governor.

[F. R. Doc. 43-10652; Filed, July 2, 1943; 10:17 a. m.]

#### TITLE 7—AGRICULTURE

##### Chapter X—War Food Administration

[Amdt. 3 to FPO 3 as Amended May 6, 1943]

##### PART 1202—FARM MACHINERY AND EQUIPMENT

##### NEW FARM MACHINERY AND EQUIPMENT

A change is made in § 1202.214 of Food Production Order 3 as amended May 6, 1943 (8 F.R. 5963), and the provisions of that order relating to metal milk cans and covers are revised.

Section 1202.214 is amended by adding to paragraph (b) thereof the following: "Provided, That the provisions of this paragraph (b) shall apply to metal milk cans and covers only to the extent provided for in subparagraphs (6) (ii) and (6) (vii) of Part A of Schedule I."

Paragraph (b) will then read as follows:

(b) No Federal Government agency desiring any Schedule I equipment or person desiring to acquire Schedule I equipment for export from and consumption or use outside the continental United

States may acquire Schedule I equipment which is rationed or otherwise allocated under this order for both farm and non-farm use, unless such person applies to the Deputy Administrator for authority to acquire such equipment and is granted such authority pursuant to the provisions of § 1202.232: *Provided*, That the provisions of this paragraph (b) shall apply to metal milk cans and covers only to the extent provided for in subparagraphs (6) (ii) and (6) (vii) of Part A of Schedule I.

The special provisions of Food Production Order 3 which relate to milk cans and covers are revised and incorporated in Part A of Schedule I. To this end:

Section 1202.213 is deleted from Food Production Order 3 as amended May 6, 1943.

Schedule I of Food Production Order 3 as amended May 6, 1943, is amended by deleting subparagraph (6) of Part A thereof and inserting in its place the following:

(6) Metal milk cans and covers are hereinafter referred to as milk cans. The words "milk cans" shall not refer to milk can covers which are transferred apart from the cans but shall refer to milk cans transferred apart from the covers.

Milk cans are subject to the provisions of this order, regardless of whether they are for farm or non-farm use.

The Deputy Administrator hereby authorizes any manufacturer to transfer milk cans in accordance with the following regulations.

(1) Any manufacturer of milk cans is authorized to transfer during each calendar quarter named below the designated percentage of such manufacturer's production of milk cans authorized to be produced during such period under applicable War Production Board regulations. The percentage of such manufacturer's authorized production which is not hereby authorized for transfer shall hereinafter be referred to as his reserve.

Calendar quarter commencing—	Authorized for distribution	Reserve
	Percent	Percent
July 1, 1943.....	85	15
Oct. 1, 1943.....	85	15
Jan. 1, 1944.....	70	30
Apr. 1, 1944.....	70	30

Any manufacturer of milk cans shall transfer his reserve pursuant to orders which may be subsequently issued by the Deputy Administrator: *Provided*, That if the Deputy Administrator has not, by the fifteenth day before the end of any calendar quarter, authorized the distribution or specifically prohibited the distribution of any manufacturer's reserve, such manufacturer may transfer his reserve, without further authorization from the Deputy Administrator, in accordance with the distribution pattern set forth in subparagraph (6) (iii).

(ii) Any person who wishes to transfer or to receive a transfer of milk cans for the purpose of handling milk or milk products in the United States shall, if such milk cans comprise part of a manufacturer's reserve, appeal to the Deputy Administrator through the State board for the State in which such person resides for permission to make such transfer. The Deputy Administrator in his discretion may grant or deny such application. No Federal government agency desiring any milk cans or person desiring to acquire or transfer milk cans for any purpose other than handling milk or milk products

in the United States may acquire or transfer such milk cans unless such government agency or person applies to the Deputy Administrator for authority to acquire or transfer such equipment and is granted such authority pursuant to the provisions of § 1202.232.

(iii) Each manufacturer may transfer in each State during each calendar quarter a percentage of the milk cans which he is authorized by this order to distribute; such percentage shall not be greater than the percentage of his aggregate production of milk cans in the calendar years 1941 and 1942 transferred by him in such State. In order to determine the maximum number of milk cans which he may transfer in any particular State during any calendar quarter, a manufacturer shall make the following calculations:

(1) Determine his total production of milk cans in the calendar years 1941 and 1942.

(2) Calculate the percentage of his total production which he transferred in such State in 1941 and 1942.

(3) Determine the number of milk cans which he is authorized under applicable War Production Board regulations to produce during the calendar quarter.

(4) Multiply the answer to (3) above by the percentage of his production which, according to subparagraph (6) (i) above, he may transfer during the calendar quarter.

(5) Multiply the percentage found in (2) by the answer to (4) in order to determine the maximum number of milk cans which he is hereby authorized to transfer in such State during the calendar quarter. If a manufacturer during any calendar quarter is unable to distribute to any State all the milk cans which he is authorized by this order or subsequent orders to distribute to such State, he may transfer such milk cans to such State during the following calendar quarter.

(iv) Each manufacturer of milk cans shall, within 10 days after the commencement of any calendar quarter, furnish the Deputy Administrator with a report in the form indicated below. The first such report shall be filed on or before October 10, 1943, and shall cover the calendar quarter commencing July 1, 1943. This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

#### REPORT ON MILK CAN SHIPMENTS

Manufacturer's Name ..... Calendar quarter commencing .....

Name of State, possession, territory, or other <sup>1</sup>	Number of cans transferred during years 1941 and 1942	Number of cans authorized to be transferred other than from reserve	Number of cans transferred other than from reserve	Number of cans transferred from reserve
Total.....				

<sup>1</sup> Other includes Federal Government agencies and foreign countries. (Name country involved or Government agency.)

Name of Company .....

By..... Signature .....

(v) The State boards shall act as the county farm rationing committees in the rationing of milk cans to dairies and farmers' cooperatives which operate in two or more counties or in a county in which there is no county farm rationing committee established. Applications shall be received by the State boards which shall act upon such applications as if they were the county farm rationing committees. The State boards shall perform the functions and carry out the duties prescribed in this order for county farm rationing committees, and, in so doing, shall follow the procedures established for county farm rationing committees.

(vi) Any State board may designate one or more areas within its State and may appoint a committee to be responsible for the execution of the provisions of this subparagraph (6) in each such area. Any committee appointed under this subparagraph (6) (vi) shall, in rationing milk cans, operate in accordance with the provisions of this subparagraph (6) relating to State boards, except that appeals from the action of such committee shall be made directly to the State board.

(vii) For purposes of this subparagraph (6) the United States shall include the forty-eight States, the District of Columbia, Alaska, Hawaii, Puerto Rico, the Virgin Islands, and all other territories and possessions of the United States, and the word "State" shall refer to the District of Columbia or any one of

the United States or its territories and possessions.

This Amendment No. 3 to Food Production Order 3 as amended May 6, 1943, shall become effective July 1, 1943.

Issued this 30th day of June 1943.

PAUL A. PORTER,

Acting War Food Administrator.

[F. R. Dec. 43-10614; Filed, July 1, 1943; 11:59 a. m.]

[Amdt. 4 to FPO 3 as Amended May 6, 1943]

#### PART 1202—FARM MACHINERY AND EQUIPMENT

##### NEW FARM MACHINERY AND EQUIPMENT

Part A of Schedule I of Food Production Order 3 as amended May 6, 1943 (8 F.R. 5963) is amended by deleting from subparagraph (2) thereof and by adding to subparagraph (1) thereof the following:

##### DOMESTIC WATER SYSTEMS

##### War Production Board No.

##### Deep well:

- 213 Deep well, reciprocal.  
214 Deep well, jet pumps.

**War Production  
Board No.**

- Shallow well:  
215 250-499 gals. per hour.  
216 500 gals. per hour and over.  
Power pumps:  
217 Horizontal type, up to and including 75 gals. per minute, 100 lb. pressure.

Part A is further amended by deleting from subparagraph (3) thereof and adding to subparagraph (1) thereof the following:

**FARM PUMPS AND WINDMILLS**

**War Production  
Board No.**

- 221 Windmill pumps (including combination hand and windmill).  
224 Pump jacks.

Subparagraphs (1), (2) and (3) of Part A of Schedule I of Food Production Order No. 3 will then read as follows:

(1) The Administrator has authorized and does hereby authorize any manufacturer to transfer the Schedule I equipment listed in this subparagraph (1) which was manufactured by such manufacturer prior to the effective date of, or in compliance with, the provisions of War Production Board Order L-26 (7 F.R. 1795, 2940, 4331, 5396, 6148, 8460) and 100 percent of such manufacturer's authorized production of such equipment under War Production Board Order L-170.

**IRRIGATION EQUIPMENT**

**War Production  
Board No.**

- Irrigation pumps:  
227 Turbine pumps, 0 to 1,200 GPM.  
228 Turbine pumps, 1,200 GPM and up, belt driven.  
229 Centrifugal pumps.  
Distribution equipment:  
231 Land leveling equipment, ditchers, corrugators and scrapers (excluding power ditchers, draglines and other self-powered machines).  
232 Portable pipe and extensions, sprinklers.

**SPRAYERS, DUSTERS, AND ORCHARD HEATERS**

- 119 Spray pumps, power.

**CULTIVATORS AND WEEDERS**

- 103 Rod weeders, horse or tractor drawn.

**FARM ELEVATORS AND BLOWERS**

- 188 Elevators (portable).  
189 Elevators (stationary).  
190 Blowers (grain and forage).

**MACHINES FOR PREPARING CROPS FOR MARKET OR USE**

- 171 Stationary hay balers, horse.

**DAIRY FARM MACHINES AND EQUIPMENT**

- 237 Milking machines.  
238 Farm cream separators, capacity 250 lbs. per hour or less.  
239 Farm cream separators, capacity 251 lbs. up to and including 800 lbs. per hour.  
Farm milk coolers:  
241 Immersion type.  
242 Surface or tubular type.

**DOMESTIC WATER SYSTEMS**

- Deep well:  
213 Deep well, reciprocal.  
214 Deep well, jet pumps.  
Shallow well:  
215 250-499 gals. per hour.  
216 500 gals. per hour and over.  
Power pumps:  
217 Horizontal type, up to and including 75 gals. per minute, 100 lb. pressure.

**FARM PUMPS AND WINDMILLS**

**War Production  
Board No.**

- 221 Windmill pumps (including combination hand and windmill).  
224 Pump jacks.

(2) The Schedule I equipment originally listed in this subparagraph (2) has been transferred to subparagraph (1).

(3) The Administrator has authorized and does hereby authorize any manufacturer to transfer Schedule I equipment listed in this subparagraph (3) which was produced by such manufacturer prior to the effective date of, or in compliance with, the provisions of War Production Board Order L-26 and 80 percent of such manufacturer's authorized production of such equipment under War Production Board Order L-170.

**FARM PUMPS AND WINDMILLS**

**War Production  
Board No.**

- 222 Windmill heads.  
223 Windmill towers.

Issued this 30th day of June 1943.

PAUL A. PORTER,  
Acting War Food Administrator.

[F. R. Doc. 43-10615; Filed, July 1, 1943;  
11:59 a. m.]

**Chapter XI—War Food Administration**

[FDO 11, Amdt. 3]

**PART 1401—DAIRY PRODUCTS**

**MILK MARKETING ECONOMIES**

Food Distribution Order No. 11, § 1401.21 (c) (2) (8 F.R. 1090), issued by the Secretary of Agriculture on January 21, 1943, as amended, is further amended to read as follows:

(2) Until such time as the Director shall hereafter designate, the provisions of § 1401.21 (b) (2) shall not be applicable in the area consisting of the City of New York and the counties of Nassau, Suffolk, Westchester, and Rockland in the State of New York; that portion of the county of Fairfield in the State of Connecticut lying south and west of a line projected from Fairfield northwesterly to the nearest point on the New York State line; the counties of Hudson, Bergen, Passaic, Essex, Union, Middlesex, Somerset, and Morris in the State of New Jersey; and that portion of Monmouth and Ocean Counties in the State of New Jersey bordering on the Atlantic Ocean, including the coastal area designated as the north shore resort section and the municipalities of Morgan, Keyport, Red Bank, Long Branch, Asbury Park, Toms River, and points south to Brigantine Inlet which separates the counties of Ocean and Atlantic in the State of New Jersey.

This order shall become effective at 12:01 a. m., e. w. t., July 1, 1943.

(E.O. 9280, 7 F.R. 10179, E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 30th day of June 1943.

PAUL A. PORTER,  
Acting War Food Administrator.

[F. R. Doc. 43-10643; Filed, July 1, 1943;  
4:15 p. m.]

[FDO 58]

**PART 1403—ANIMAL FOODS**

**MANUFACTURE OF PET FOODS**

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of pet foods for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1403.1 *Manufacture of pet foods restricted—(a) Definitions.* (1) "Manufacturer of pet foods" means any person who is engaged in commercially manufacturing, processing, making or preparing pet foods.

(2) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, and shall include any agent, agencies, or any person acting for or on behalf of any of the foregoing as well as the United States, its departments and agencies, and States or any political subdivision or agencies thereof.

(3) "Pet food" means any foodstuffs, rations, processed meat products or other substances specially prepared or packaged for consumption by dogs, cats, or any other fur-bearing animals used as pets.

(4) "Animal protein" means protein from any animal or aquatic source.

(5) "Dry weight" means the weight of the ingredients in pet food expressed in terms of a water content of eight per centum by weight.

(6) "Director" means the Director of Food Distribution, War Food Administration, or any employee of the War Food Administration designated by the Director.

(b) *Protein content of pet food.* Notwithstanding the terms of any contract of sale or purchase or other commitment, whenever made, no manufacturer of pet food shall manufacture, process, make or prepare any pet food containing (1) animal protein in excess of eight per centum by dry weight, or (2) total protein in excess of twenty-four per centum by dry weight: *Provided, however,* That the provisions of this paragraph (b) shall not apply to any pet food made pursuant to a contract with the United States Army, Navy, Marine Corps, or Coast Guard, the Tennessee Valley Authority or any other agency of the United States Government, or any State or political subdivision thereof.

(c) *Quotas.* Notwithstanding the terms of any contract of sale or purchase or other commitment, whenever made, no manufacturer of pet food shall during any calendar year manufacture, process, make or prepare pet foods in a quantity greater than the quantity by dry weight of pet foods manufactured, processed, made or prepared by him during the calendar year 1941 or four times the quantity by dry weight of pet foods manufactured, processed, made or prepared by him during the last quarter of the calendar year 1942, whichever is greater.

(d) *Records and reports.* (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(2) Each manufacturer of pet food shall keep and preserve, for not less than two years, accurate records concerning inventories, production and sales of pet foods and the animal and other protein ingredients thereof. (This record keeping requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942).

(e) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of pet food of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(f) *Violations.* The War Food Administrator, may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using any animal or other protein material, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(g) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(h) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director of Food Distribution, War Food Administration. The Director of Food Distribution is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(i) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington 25, D. C., Ref. FD-58.

(j) *Territorial scope.* The provisions of this order shall apply only within the 48 states and the District of Columbia.

(k) *Effective date.* This order shall become effective 12:01 a. m., EWT, July 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 30th day of June 1943.

MARVIN JONES,  
War Food Administrator.

[F. R. Dec. 43-10818; Filed, July 1, 1943;  
12:12 p. m.]

[FDO 18, Amdt. 3]

#### PART 1415—IMPORTED FOODS

##### TEA QUOTAS

Food Distribution Order No. 18, § 1415.2 (a) (4), issued by the Secretary of Agriculture on February 6, 1943, as amended (8 F.R. 8388), is hereby further amended to read as follows:

(4) The term "governmental agency" means (i) the Armed Services of the United States (for the purposes of this order, including, but not restricted to, the United States Army post exchanges; sales commissaries; United States Navy ships' service departments; and United States Marine Corps post exchanges); (ii) the Food Distribution Administration, War Food Administration (including, but not restricted to the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), purchasing tea in accordance with said Food Distribution Regulation 2.

This order shall take effect at 12:01 a. m., e. w. t., July 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 30th day of June 1943.

PAUL A. FONTER,  
Acting War Food Administrator.

[F. R. Dec. 43-10617; Filed, July 1, 1943;  
12:11 p. m.]

[FDO 18-3, Amdt. 1]

#### PART 1415—IMPORTED FOODS

##### TEA QUOTAS, PACKAGING RESTRICTIONS, REPORTS, AND RECORDS FOR PACKERS AND WHOLESALERS

Director Food Distribution Order No. 18.3, § 1415.6, issued by the Acting Director of Food Distribution, War Food Administration, on June 17, 1943 (8 F.R. 8389), is amended as follows:

(1) By amending (a) (3) thereof to read as follows:

(3) The term "net deliveries" means the total number of pounds of tea delivered by a packer, exclusive of deliveries of tea made by such packer to govern-

mental agencies pursuant to (c) (1) hereof, or the total number of pounds of tea accepted by a wholesale receiver, minus the total of any deliveries of tea made by such wholesale receiver to governmental agencies pursuant to (c) (1) hereof.

(2) By amending (a) (6) thereof to read as follows:

(6) The term "governmental agency" means (i) the Armed Services of the United States (for the purposes of this order, including, but not restricted to, the United States Army post exchanges; sales commissaries; United States Navy ships' service departments; and United States Marine Corps post exchanges); (ii) the Food Distribution Administration, War Food Administration (including, but not restricted to the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans' Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523), purchasing tea in accordance with said Food Distribution Regulation 2.

This order shall become effective at 12:01 a. m., e. w. t., July 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; F.D.O. 18, 8 F.R. 8388)

Issued this 30th day of June 1943.

C. W. KITCHEN,  
Acting Director of Food Distribution.

[F. R. Dec. 43-10616; Filed, July 1, 1943;  
12:11 p. m.]

[FDO 35-1]

#### PART 1460—FATS AND OILS

##### RAPESEED AND MUSTARD SEED OILS

Pursuant to the authority vested in me by Food Distribution Order No. 35, dated March 19, 1943 (8 F.R. 3478), and to effectuate the purposes of such order, it is hereby ordered, As follows:

§ 1460.25 *Applications for delivery, acceptance of delivery, use, processing, or blending of rapeseed oil and mustard seed oil.* (a) Every person required by § 1460.7 (e) (1) of Food Distribution Order No. 35 to file War Production Board Form PD-600 shall file, in lieu thereof, three copies of Form FDA-478 ("Consumers' Application for Delivery and Use"). Every person filing such form shall attach to the three copies thereof one properly prepared copy of Form FDA-477 ("Suppliers' Authorization to Deliver") for each supplier named on Form FDA-478.

(b) Every producer desiring authorization to deliver a specified maximum quantity of rapeseed oil and mustard seed oil in any month, pursuant to the provisions of § 1460.7 (d) of Food Distribution Order No. 35, shall file an application for such authorization on Form FDA-478, on or before the 15th day of the preceding month.

(c) Every producer of rapeseed oil and of mustard seed oil required by § 1460.7 (e) (2) of Food Distribution Order No. 35 to file War Production Board Form PD-601 shall file, in lieu thereof, one copy of Form FDA-476.

(d) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(e) All reports required hereunder and all requests for report forms shall, unless otherwise directed, be addressed to: Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington, D. C., Ref: FD-35.

(f) This order shall become effective on the 1st day of July, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; F. D. O. 35, 8 F.R. 3478)

Issued this 30th day of June 1943.

C. W. KITCHEN,  
Acting Director of Food Distribution.

[F. R. Doc. 43-10611; Filed, July 1, 1943;  
11:58 a. m.]

[FDO 37-1]

#### PART 1460—FATS AND OILS

##### SPERM OIL

Pursuant to the authority vested in me by Food Distribution Order 37, dated March 19, 1943 (8 F.R. 3481), and to effectuate the purposes of such order, *It is hereby ordered*, As follows:

§ 1460.26 *Applications for acceptance of delivery, use, or processing of sperm oil.* (a) Every person required by § 1460.8 (b) of Food Distribution Order 37 to file War Production Board Form PD-481 shall file, in lieu thereof, three copies of Form FDA-478 ("Consumers' Application for Delivery and Use") on or before the 15th day of the month preceding the month during which the oil is desired. Every person filing such form shall attach to the three copies thereof one properly prepared copy of Form FDA-477 ("Suppliers' Authorization to Deliver") for each supplier named on Form FDA-478.

(b) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(c) All reports required hereunder and all requests for report forms shall, unless otherwise directed, be addressed to: Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington, D. C., Ref: FD-37.

(d) This order shall become effective on the 1st day of July 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; F.D.O. 37, 8 F.R. 3481)

Issued this 30th day of July 1943.

C. W. KITCHEN,  
Acting Director of Food Distribution.

[F. R. Doc. 43-10612; Filed, July 1, 1943;  
11:59 a. m.]

[FDO 59]

#### PART 1460—FATS AND OILS

##### CRUDE FISH OIL

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of crude fish oil for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1460.18 *Crude fish oil required to be set aside*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) "Crude fish oil" means any oil, which has not been refined, produced by the reduction of the whole or any part, including oil, of any fish of the following species, commonly known as: California Sardine, Oregon and Washington Pilchard, Menhaden, and Alaska Herring.

(3) "Producer" means any person engaged in the production of crude fish oil.

(4) "Tank car of crude fish oil" means a quantity of crude fish oil weighing 60,000 pounds. The crude fish oil produced, by each producer, on or after July 1, 1943 and prior to July 1, 1944, in each plant operated by him, shall be considered as being segregated into consecutively numbered tank cars, that is to say, the first 60,000 pounds so produced shall be designated as the first tank car of crude fish oil, the second 60,000 pounds so produced shall be designated as the second tank car of crude fish oil, and so forth.

(5) "Governmental agency" means the Food Distribution Administration, War Food Administration, or any other governmental agency designated by the Director.

(6) "Offer to sell" means to offer crude fish oil for sale, prior to the time it is produced, to a governmental agency on the following terms and conditions:

(i) The offer shall be made by telegram or letter addressed to: Chief, Fats and Oils Branch, Food Distribution Administration, War Food Administration, Washington, D. C.;

(ii) The purchase price shall not exceed the ceiling price established by the Office of Price Administration;

(iii) Delivery of the oil to a carrier shall be made within ten days after the oil is produced;

(iv) The offer shall remain open for acceptance for seven days after the receipt thereof by a governmental agency;

(v) The offer shall be made with respect to the tank cars of crude fish oil hereinafter specified, however, if delivery is made to a tank car the offeror shall be permitted a tolerance of 2,000 pounds with respect to each tank car of crude fish oil so delivered, and may, when authorized by the Director, substitute a tank car of crude fish oil not covered by the offer for one which is covered by the offer.

(7) "Director" means the Director of Food Distribution, War Food Administration, or any employee of the United

States Department of Agriculture designated by such Director.

(b) *Restrictions on the sale, delivery, use, consumption, and processing of crude fish oil.* Unless specifically authorized by the Director, or except as provided in paragraph (c) of this order, no producer shall sell, contract to sell, deliver, use, consume, or process the following tank cars of crude fish oil produced by him on or after July 1, 1943 and prior to July 1, 1944, in each plant operated by him, to wit:

(1) The second,

(2) The sixth, and

(3) Each sixth car thereafter, that is to say, the twelfth, eighteenth, and so forth.

(c) *Exceptions.* Notwithstanding the provisions of paragraph (b) of this order:

(1) A producer may sell, contract to sell, or deliver any tank car of crude fish oil, subject to the restrictions of paragraph (b) hereof, produced by him to a governmental agency, without specific authorization from the Director; and

(2) A producer may, without specific authorization from the Director, sell, contract to sell, deliver, use, consume, or process any tank car of crude fish oil, subject to the restrictions of paragraph (b) hereof, produced by him which he has offered to sell to a governmental agency, if such offer is not accepted by a governmental agency within seven days after the receipt thereof.

(d) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(e) *Other food distribution orders.* The restrictions of this order shall be construed as being supplemental to the restrictions of any other food distribution order.

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of crude fish oil of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(g) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.



(i) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using crude fish oil, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(j) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref. FD 59.

(k) *Territorial extent.* This order shall apply only to the forty-eight States of the United States, the District of Columbia, and the Territory of Alaska.

(l) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., July 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 30th day of June 1943.

PAUL A. PORTER,

Acting War Food Administrator.

[F. R. Doc. 43-10619; Filed, July 1, 1943; 12:11 p. m.]

[FDO 60]

#### PART 1460—FATS AND OILS

##### CONSERVATION AND DISTRIBUTION OF FISH OIL

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of fish oil for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1460.16 *Delivery, use, consumption, and processing of fish oil restricted.*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(2) "Fish oil" means any oil produced by the reduction of the whole or any part, including offal, of any fish of the following species, commonly known as: California Sardine, Oregon and Washington Pilchard, Menhaden, Alaska Herring, West Coast Mackerel, Tuna, and Salmon. The term shall include any such oil, whether crude, or refined or otherwise chemically or physically processed, and the by-products of such processing, except pitch: *Provided, however,* The term shall not include—

(i) Any oil produced as crude oil prior to June 1, 1943, without regard to when it may be refined or processed, and

(ii) Any oil produced as crude oil on or after June 1, 1943, and which is refined or otherwise chemically or physically processed prior to July 1, 1943, or the by-products of such processing.

(3) "Quota period" means the twelve-month period beginning on July 1, of any year and ending on June 30, of the following year. For the purposes of this order, the first quota period shall begin on July 1, 1943.

(4) "Calendar quarter" means the several three-month periods of the year beginning on January 1, April 1, July 1, and October 1. For the purpose of this order, the first calendar quarter shall begin on July 1, 1943.

(5) "Processor" means a person who refines or otherwise chemically or physically processes fish oil.

(6) "Director" means the Director of Food Distribution, War Food Administration, United States Department of Agriculture, or any employee of the United States Department of Agriculture designated by such Director.

(b) *Restrictions on use and consumption.* Except as provided for in paragraphs (c) and (d) of this order, no person shall use or consume fish oil in the manufacture of any product other than fish oil as such, unless and except as specifically authorized by the Director.

(c) *Exceptions.* Notwithstanding the provision of paragraph (b) of this order, specific authorization by the Director shall not be required for:

(1) The use or consumption by any person in each of the following classes of use, in any quota period, of an amount of fish oil, other than Alaska Herring oil, equal to not more than 40 percent of the yearly average amount of fish oil used or consumed by such person in such class of use during the calendar years of 1940 and 1941—

(i) The manufacture of shortening;

(ii) The manufacture of water soluble soap;

(iii) The manufacture of paints, varnishes, lacquers and other protective coating, except alkyd resins;

(iv) The manufacture of linoleum, felt base floor covering and oil cloth used for floor covering;

(v) The manufacture of printing ink, including lithographic, offset, silk screen, and other processing inks;

(vi) The manufacture of oil cloth for all purposes other than floor covering and all other coated fabrics. A quota established hereunder for one class of use may not be transferred to another class of use.

(2) The use or consumption by any person of fish oil, other than Alaska herring oil, in the following classes of use—

(i) The manufacture of vitamin feeding oil to be used for poultry feeding, if such oil is fortified to contain a guaranteed minimum potency of 400 A. O. A. C. Units of Vitamin D per gram;

(ii) The manufacture of medicinals or pharmaceuticals for human or animal consumption;

(iii) The manufacture of lubricating oils and greases including metal working compounds, other than core oils;

(iv) For the processing of leather, exclusive of imitation leather;

(v) Forterne plating and galvanizing;

(vi) The manufacture of alkyd resins;

(vii) The manufacture of core oils for aluminum and magnesium castings where fish oil is not used in excess of 40 percent by weight of the fatty oil content (excluding rosin, resins, or gums) of the finished core oil, but in no case shall the finished core oil contain fish oil in excess of 20 percent by weight.

(3) The use or consumption by any person of salmon oil in the packing of salmon, and

(4) The use or consumption by any person of Alaska herring oil in the processing of leather or the manufacture of cutting oils.

(d) *Exceptions in favor of small users.* Notwithstanding any other provision of this order, any person, who, in any quota period, uses or consumes not more than 4,000 pounds of fish oil in the aggregate for all purposes, may use or consume 1,000 pounds or less of fish oil in each calendar quarter in such quota period, for any purpose, without obtaining specific authorization from the Director.

(e) *Restrictions on deliveries.* (1) No person, who, in any quota period, uses or consumes not more than 4,000 pounds of fish oil in the aggregate for all purposes, shall accept delivery of more than 1,000 pounds of fish oil in each calendar quarter of such quota period, unless specifically authorized by the Director.

(2) No person, who, in any quota period, uses or consumes more than 4,000 pounds of fish oil in the aggregate for all purposes, shall accept delivery of fish oil, during such quota period, for use or consumption in any class of use set forth in paragraph (c) (1) of this order, in excess of the amount he is permitted to use or consume in such class of use in such quota period, under the provisions of paragraph (c) (1) of this order, unless specifically authorized by the Director.

(3) Every person restricted by the provisions of paragraphs (e) (1) or (e) (2) of this order, prior to the acceptance of delivery of any fish oil, shall deliver to his supplier a certificate properly filled out and manually signed by an authorized official in substantially the following form:

The undersigned hereby certifies to \_\_\_\_\_ supplier and the War Food Administration, United States Department of Agriculture, that he is familiar with the terms of FDO 69, and that the delivery to him on or before \_\_\_\_\_ day of \_\_\_\_\_ 194\_\_\_\_, of \_\_\_\_\_ pounds of fish oil, in connection with which this certificate is furnished, will not, taken with all other fish oil delivered or to be delivered to him on or before said date, exceed the amount of fish oil which he may accept delivery of prior to said date, under the terms of said order.

\_\_\_\_\_  
Name of deliverer

\_\_\_\_\_  
Date

By \_\_\_\_\_

\_\_\_\_\_  
(Authorized official)

The receipt of such certificate shall not authorize the delivery of fish oil by a supplier where he knows or has reason to believe the same to be false, but in the absence of such knowledge or belief, he may rely on the certificate.

(f) *Restrictions on processing.* Unless specifically authorized by the Director, no processor shall process fish oil except in the manner or for the purposes set forth below:

(1) With respect to Alaska Herring oil, in such a manner as to render it suitable for use or consumption in a class of use set forth in paragraph (c) (4) hereof, or

(2) With respect to salmon oil, in such a manner as to render it suitable for use or consumption in a class of use set forth in paragraph (c) (3) hereof, or

(3) With respect to fish oil, other than Alaska Herring oil, in such a manner as to render it suitable for use or consumption in a class of use set forth in paragraph (c) (1) and (2) hereof, or

(4) To fill an order from a person authorized to use, consume, and accept delivery of fish oil so processed, under the terms of paragraphs (d) and (e) hereof.

(g) *Applications for authorizations.* Any person who is required by the terms of this order to obtain an authorization for the use or consumption of fish oil shall apply for such authorization to the Director on Forms FDA 477, and 478, or such other form or forms as the Director may prescribe.

(h) *Contracts.* The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued, or payments made thereunder.

(i) *FDO 42.* This order shall not be construed as superseding any part of Food Distribution Order 42.

(j) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of fish oil of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(k) *Records and reports.* The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(l) *Bureau of the Budget approval.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(m) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may apply in writing for relief to the Director, setting forth in such petition all pertinent facts and the nature of the relief sought. The

Director may thereupon take such action as he deems appropriate, which action shall be final.

(n) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using fish oil, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(o) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref. FD-60.

(p) *Territorial extent.* This order shall apply only to the forty-eight States of the United States, the District of Columbia, and the Territory of Alaska.

(q) *Exception with respect to fish liver oil.* None of the provisions of this order shall apply to oil produced solely from the livers of fish of any species named in paragraph (a) (2) hereof.

(r) *Effective date.* This order shall become effective 12:01 a. m., e. w. t., July 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 30th day of June 1943.

PAUL A. PORTER,  
Acting War Food Administrator.

[F. R. Doc. 43-10620; Filed, July 1, 1943;  
12:12 p. m.]

#### PART 1491—BEANS AND PEAS

[FDO 45, Amdt. 1]

##### RESTRICTIONS ON DELIVERIES OF BEANS, PEAS, AND SPLIT-PEAS

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of beans and peas for defense, for private account, and for export; and it is deemed necessary and appropriate in the public interest and to promote the national defense to amend Food Distribution Order No. 45 (8 F.R. 4228), issued on April 1, 1943, and the same hereby is amended to read as follows:

§ 1491.1 *Beans and peas required to be set aside*—(a) *Definitions.* When used in this order unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "beans" means dry threshed beans of the following classes, as defined in the United States Standards for Beans, as revised, effective September 1, 1941: pea beans; Great Northern beans; small white beans; flat small white beans; light red kidney beans; dark red kidney beans; western red kidney beans; cranberry beans; small red beans; pink beans; pinto beans; and baby lima beans.

(2) The term "peas" means dry threshed peas of the following classes, as defined in the United States Standards for Dry Peas, as revised, effective July 20, 1937: Alaska; Scotch Green; White Canada; First and Best; and Marrowfat.

(3) The term "split-peas" means split-peas of the following classes, as defined in the United States Standards for Split-Peas, effective August 10, 1937: Green split-peas and yellow split-peas.

(4) The term "authorized purchaser" means any person who holds an existing contract to sell or deliver to a governmental agency products prepared, in whole or in part, from beans or peas.

(5) The term "country shipper" means any person whose total deliveries of beans, peas, or split-peas, exclusive of his deliveries thereof to another country shipper, during any month of the calendar year 1943, has exceeded or exceeds 20,000 pounds, and who (i) owns beans, peas, or split-peas, in whole or in part, which he has caused to be screened, sorted, hand-picked, polished, or otherwise cleaned for delivery in the dry, uncooked state, whether for his own account or the joint account of himself and another; or (ii) purchases for his own account or the joint account of himself and another, beans, peas, or split-peas from a grower who caused such beans or peas to be split, or screened, sorted, hand-picked, polished, or otherwise cleaned for delivery in the dry, uncooked state. Any person who once qualifies as a country shipper within this definition shall thereafter be deemed to be a country shipper and subject to the terms and conditions of this order, regardless of the volume of his deliveries in succeeding months.

(6) The term "delivery" means the physical transfer of beans or peas from a country shipper to a buyer. The transfer of beans or peas by a country shipper to a carrier, truck, railroad car, or other vehicle for transportation to the buyer, regardless of the ownership or control of the carrier or vehicle being used for such transportation, shall constitute a delivery.

(7) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

(8) The term "Director" means the Director of Food Distribution, War Food Administration.

(9) The term "governmental agency" means (i) the Armed Services of the United States (however, for the purposes of this order United States Army post exchanges, United States Navy ships' service departments, United States Marine Corps post exchanges, and similar



organizations shall not be deemed part of the Armed Services of the United States); (ii) the Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation); (iii) the War Shipping Administration; (iv) the Veterans Administration; and (v) any other instrumentality or agency designated by the War Food Administrator. The term "governmental agency" also includes any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523); purchasing beans, peas, or split-peas in accordance with Food Distribution Regulation 2.

(10) The term "Armed Services of the United States" means the Army, Navy, Marine Corps, and Coast Guard of the United States.

(b) *Restrictions on country shippers.*

(1) Each country shipper shall, during each calendar month, set aside and thereafter hold for delivery to governmental agencies or authorized purchasers a quantity of beans equal to at least 150 percent of his total deliveries thereof during such calendar month, exclusive of deliveries to governmental agencies, authorized purchasers in accordance with the provisions of this order, and to other country shippers, of all beans of the classes listed in (a) (1) hereof.

(2) Each country shipper shall, during each calendar month, set aside and thereafter hold for delivery to governmental agencies or authorized purchasers a quantity of peas equal to at least 150 percent of his total deliveries thereof during such calendar month, exclusive of deliveries to governmental agencies, authorized purchasers in accordance with the provisions of this order, and to other country shippers, of all peas of the classes listed in (a) (2) hereof.

(3) Each country shipper shall, during each calendar month, set aside and hold for delivery to governmental agencies or authorized purchasers a quantity of whole peas of any of the classes listed in (a) (2) hereof equal to 180 percent of his total deliveries of all split-peas during such calendar month, exclusive of deliveries to governmental agencies, authorized purchasers in accordance with the provisions of this order, and to other country shippers.

(4) The beans or peas, respectively, set aside pursuant to the provisions hereof shall be of U. S. No. 2 grade or better, as specified in the United States Standards for the respective commodities.

(5) The beans or peas set aside pursuant to the provisions hereof may be offered for sale by country shippers at no more than the ceiling prices established by the Office of Price Administration to governmental agencies, in response to announcements or notices issued by such agencies to the effect that offers for beans or peas will be received on specified dates, or to authorized purchasers.

(6) The beans or peas set aside in accordance with the provisions hereof may be sold to any governmental agency or authorized purchaser: *Provided, how-*

*ever,* That no beans or peas set aside pursuant to this order shall be sold to any authorized purchaser unless such purchaser shall furnish a certificate in conformity with the provisions of (b) (7) hereof.

(7) Each authorized purchaser who purchases beans or peas which have been set aside pursuant to the provisions of this order for use in the fulfillment of an existing contract with a governmental agency shall furnish to the country shipper from whom he buys such beans or peas a certificate, signed by an authorized official, in substantially the form attached hereto as Exhibit A, which shall constitute a certification to the War Food Administrator that such authorized purchaser is familiar with the terms of this order (as originally issued or subsequently amended), and that the purchase of beans or peas which have been set aside under this order has been authorized by this order, as amended, and that he will use the beans or peas purchased in the fulfillment of existing contracts with governmental agencies. No country shipper shall, however, be entitled to rely on any such certificate if he knows or has reasonable cause to believe it to be false.

(8) The restrictions hereof shall be observed without regard to the rights of creditors, prior contracts, existing contracts, payments made, or deliveries of beans or peas made prior to the effective date hereof. This order shall not, however, be construed as reducing the amount of beans, peas, or split-peas which any person is required to set aside or deliver or to have set aside and held for delivery to governmental agencies under the provisions of this order prior to the effective date of this amendment or any existing contract made with a governmental agency, but any quantity of beans or peas delivered after the effective date of this order to any governmental agency or authorized purchaser, except beans or peas required to be set aside pursuant to the provisions of this order prior to the effective date of this amendment for delivery to governmental agencies, shall be allowed as a credit to such person in determining the quantity of beans and peas required to be set aside and held for delivery to governmental agencies pursuant to the provisions hereof.

(9) Nothing herein shall be construed as applying to beans or peas sold and delivered exclusively for seed purposes in compliance with State and Federal seed laws.

(c) *Prior restrictions modified.* Beans, peas, or split-peas in quantities less than a carlot (80,000 pounds) which have been set aside pursuant to the provisions of this order prior to the effective date of this amendment, may be sold and delivered to a country shipper if such country shipper certifies to the seller (and such certification shall be deemed to be a representation to an agency of the United States) that he will set aside and hold such beans, peas, or split-peas or a quantity of beans or peas equivalent thereto, for delivery to a governmental agency in addition to the quantity of beans or peas he is otherwise required to set aside

under this order, as amended. Beans, peas, or split-peas set aside prior to the effective date of this amendment in quantities in excess of a carlot (80,000 pounds) may be sold and delivered in accordance with the provisions of (b) (5), (6), and (7) of this order, as amended.

(d) *Records and reports.* Every country shipper shall keep all certificates furnished under (b) (7) of this order and shall maintain and keep such other records as the Director may require for a period of two years (or for such further periods of time as the Director may designate). The Director shall be entitled to obtain such information from, and require such reports and the keeping of such other records by, any person as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(e) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(f) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records, and other writings, premises, or stocks of beans, peas, or split-peas, of any person, and to make such investigations as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(g) *Applicability of order.* The provisions of this order shall apply only to operations conducted within any of the 48 States or the District of Columbia.

(h) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him may petition the Director, in writing, for relief, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(i) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using beans, peas, or split-peas, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other agencies of the United States. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by or to enforce any violation of any provision of this order.

(j) *Authority to release beans or peas.* The Director is hereby authorized, not-

withstanding any of the provisions hereof, to release by general order or by written notices, any or all of the beans or peas set aside by any country shipper pursuant to the provisions of this order.

(k) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, be addressed: The War Food Administrator, United States Department of Agriculture, Washington, D. C., Ref.: FD-45.

(l) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(m) *Effective date.* This order shall take effect July 1, 1943.

With respect to violations, rights accrued, or liabilities incurred prior to the effective date of this order, all provisions of this order in effect prior to this amendment shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 1st day of July 1943.

PAUL A. PORTER,  
Acting War Food Administrator.

EXHIBIT A—AUTHORIZED PURCHASER'S  
CERTIFICATE

Certificate required by paragraph (b) (7) of Food Distribution Order No. 45, as amended. One copy of this certificate is to be delivered to each country shipper from whom the authorized purchaser requires set aside beans or peas and one copy is to be retained by the authorized purchaser. A certificate shall be given for each specific purchase of set aside beans or peas.

Commodity and class	Date
Grade	Purchaser's name
Quantity	Purchaser's address
	Name of Government agency and Contract Number

In accordance with paragraph (b) (7) of Food Distribution Order No. 45 to assure an adequate supply and efficient distribution of beans or peas to meet war and essential civilian needs, the undersigned hereby certifies, and this shall constitute a certification to the War Food Administrator, that the undersigned purchaser is familiar with the terms of Food Distribution Order No. 45 (as originally issued or subsequently amended) and that the purchase of beans or peas described above from

Name of Seller Address  
-----, is authorized under the terms of Seller and provisions of Food Distribution Order No. 45, and that the purchaser will use the beans or peas purchased in fulfillment of

the contracts with the governmental agency specified herein.

Legal Name of Authorized Purchaser

By Title of Person Executing Certificate

Section 35a of the United States Criminal Code (18 U.S.C. 80) makes it a criminal offense to make a false statement or representation to any Department or agency of the United States as to any matter within its jurisdiction.

[F. R. Doc. 43-10677; Filed, July 2, 1943; 11:40 a. m.]

[FDO 40-1, Amdt. 1]

PART 1495—EGGS AND EGG PRODUCTS  
SALE AND STORAGE OF SHELL EGGS

Pursuant to the authority vested in me by Food Distribution Order No. 40, issued on March 22, 1943, as amended (8 F.R. 7211), Director Food Distribution Order No. 40-1, effective June 1, 1943 (8 F.R. 7212), is amended to read as follows:

§ 1495.3 *Reports required of persons owning or operating refrigerated storage space in which shell eggs are stored.* (a) Each person owning or operating refrigerated storage space, totalling 7500 cubic feet or more in a single structure, in which shell eggs are stored on July 1, 1943, shall, on or before July 10, 1943, correctly complete Form F. D. O. 40-1 for each such structure and file such completed form with the Director of Food Distribution, War Food Administration, Washington, D. C., Ref. FD-40. (This reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.)

(b) This order shall become effective at 12:01 a. m., e. v. t., July 1, 1943. With respect to any violations of said Director Food Distribution Order No. 40-1, rights accrued, or liabilities incurred prior to the effective time of this amendment, said Director Food Distribution Order No. 40-1 shall be deemed in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; F.D.O. No. 40, 8 F.R. 7211)

Issued this 1st day of July 1943.

ROY F. HENDRICKSON,  
Director of Food Distribution.

[F. R. Doc. 43-10675; Filed, July 2, 1943; 11:41 a. m.]

PART 1410—LIVESTOCK AND MEATS  
[FDO 61]

RESTRICTIONS ON DELIVERY

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of meat

for defense, for private account, and for export; and it is deemed necessary and appropriate in the public interest and to promote the national defense that Restriction Order 1, which shall hereafter be known and referred to as Food Distribution Order 61, be amended to read as follows:

§ 1410.13 *Restrictions on delivery of meat—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, and includes the United States, or any agency thereof, any State or political subdivision or agency thereof, and any other government, or agency thereof.

(2) The term "livestock" means cattle, calves, sheep, lambs and swine.

(3) The term "controlled meat" means the carcasses of livestock (including the following four types of meat derived therefrom: (i) beef, (ii) veal, (iii) lamb or mutton, and (iv) pork), and any processed or unprocessed edible part, cut, or trimming, regardless of how prepared or packaged; excluding, however, scrapple, souse, and other similar products, offal, oils, lards, rendering fats, raw leaf, casings, by-products not ordinarily used for human consumption, and skins of swine when prepared for use in leather, glue, and gelatin.

(4) The term "conversion weight" means the dressed weight equivalent of the controlled meat derived from the slaughter of livestock, determined as prescribed in (m) hereof.

(5) The term "dressed carcass" means a carcass dressed in accordance with normal trade custom and in the following state:

(i) In the case of beef, with the kidney knob in;

(ii) In the case of veal, with the hide on or off;

(iii) In the case of pork, with the leaf fat and kidney out, the jowls on, and the head off;

(iv) In the case of lamb and mutton, with pluck out.

(6) The term "slaughterer" includes (i) "commercial slaughterer" as herein defined, and (ii) "local slaughterer", "butcher", and "farm slaughterer" as those terms are defined in Food Distribution Order 27, as amended.

(7) The term "commercial slaughterer" means:

(i) Any person whose four quota bases, as established under this order (Restriction Order 1) as originally issued or subsequently amended, total 2,000,000 pounds or more;

(ii) Until August 1, 1943 and not thereafter, any person who is registered under this order and whose four quota

17 F.R. 7839; 8 F.R. 3201, 3328, 3372, 3410, 4151, 7006.

\* 8 F.R. 2785, 4227, 5700, 7739, 8795.

bases, as established under this order (Restriction Order 1 as originally issued or subsequently amended, total less than 2,000,000 pounds;

(iii) Any person subject to Food Distribution Order 27, as amended, whose quota bases under that order total 2,000,000 pounds or more for a calendar year; and

(iv) Any person who is specifically authorized under (o), (p) or (w) hereof to deliver controlled meat.

(8) The term "custom slaughter" means the killing, for meat production, of livestock for the owner by any person other than such owner.

(9) The term "armed services of the United States" means the Army, Navy, Marine Corps, or Coast Guard of the United States.

(10) The term "governmental agency" means (i) the armed services of the United States (excluding, for the purposes of this order, United States Army post exchanges, United States Navy ships, service departments, United States Marine Corps post exchanges, sales commissaries, and similar organizations), (ii) the Food Distribution Administration, War Food Administration, (including but not restricted to the Federal Surplus Commodities Corporation), (iii) the War Shipping Administration, (iv) the Veterans Administration, (v) contract schools and ship operators, as defined in Food Distribution Regulation 2,<sup>3</sup> when purchasing controlled meat in accordance with the provisions of Food Distribution Regulation 2, (vi) any hospital, asylum, orphanage, prison, or other similar institution, which is operated by any Federal, State, or local government or agency thereof, which took delivery of controlled meat in the year 1941 under contracts awarded upon the basis of competitive bids, and (vii) any other person designated by the War Food Administrator.

(11) The term "Director" means the Director of Food Distribution, War Food Administrator, or any employee of such Administration designated by the Director.

(12) The term "authorized purchaser" means:

(i) Any person who is under contract to sell or deliver, to a governmental agency, controlled meat, or products prepared in whole or in part therefrom;

(ii) Any person who has delivered, to a governmental agency, controlled meat, or products prepared in whole or in part therefrom, and has not replaced the controlled meat so delivered, or contained in the products so delivered, by a purchase without charge against quota under the provisions of (j) hereof; and

(iii) Any person who is authorized by the Director to purchase controlled meat.

(13) The term "deliver" means to transfer physical possession of controlled meat. The transfer of controlled meat by a slaughterer to a unit or department of his establishment for use in the preparation or manufacture of any product other than controlled meat, the use of controlled meat for such purpose without any such transfer, or the transfer

or shipment of controlled meat to any branch house of a slaughterer, shall constitute a delivery. The placing of controlled meat in a public warehouse solely for the purpose of storage shall not be deemed a delivery, but the withdrawal of such meat from such warehouse by any person other than the slaughterer shall be deemed a delivery.

(14) The term "veal" means controlled meat derived from calves the dressed carcasses of which have the veal or calf characteristics defined by the United States Department of Agriculture (A. M. A. Reg. 114, Official U. S. Standards for Grades of Veal and Calf Carcasses 1940), and weighs with the hide off not more than 275 pounds.

(b) *Registration.* (1) No commercial slaughterer shall deliver any controlled meat unless he has, prior to the effective date hereof, filed with the Office of Price Administration or with the Department of Agriculture, a registration statement executed on Form No. RSO 1, or unless he shall hereafter be registered in accordance with (b) (2) hereof.

(2) Any person who becomes a commercial slaughterer by virtue of the provisions of (a) (7) (iii) or (iv) hereof shall, within 30 days thereafter, file with the Director a signed registration statement, executed in duplicate, showing the conversion weight of controlled meat derived from livestock owned by him at the time of slaughter. Such conversion weight shall be shown separately for each type of livestock for each base period. Such person shall not be deemed to be registered under this order until a number has been assigned to him by the Director.

(3) The registration of any person whose four quota bases, as established under this order (Restriction Order 1) as originally issued or subsequently amended, total less than 2,000,000 pounds, is vacated effective August 1, 1943.

(c) *Deliveries.* (1) Except as otherwise provided herein:

(i) No commercial slaughterer shall, during any quota period, deliver or offer to deliver more controlled meat of any type than his quota for such type of controlled meat for such period; and

(ii) No local slaughterer, butcher, or farm slaughterer shall, during any quota period, deliver or offer to deliver more controlled meat of any type derived from livestock owned by him at the time of slaughter than his quota for such type of controlled meat for such period.

(2) Deliveries of any type of controlled meat by a slaughterer in excess of his quota for such type of meat for any quota period shall be charged against his quota for such type of meat for the subsequent quota period, and in addition thereto shall subject the slaughterer to such other actions, penalties or proceedings as may be prescribed by law or imposed pursuant to this order.

(3) Any slaughterer who, during any quota period, does not deliver his entire quota of controlled meat of any type as authorized for such quota period, may carry over an amount of such unused quota, not to exceed 5 percent of his entire quota for such period, to the next

succeeding quota period, and his authorized deliveries for that period shall be increased in that amount.

(d) *Quotas for commercial slaughterers.* The quota of any commercial slaughterer for each type of controlled meat for any quota period shall be the conversion weight obtained by multiplying the quota base for such type of meat by such percentages as are specified from time to time by the Director, and by adjusting the result by deductions or additions as required or authorized by (c) (2) and (c) (3) hereof, and by any adjustments, exemptions, or authorizations granted by the Director.

(e) *Quotas for local slaughterers, butchers, and farm slaughterers.* The quota of any local slaughterer, butcher, or farm slaughterer for each type of controlled meat for any quota period shall be the amount of controlled meat obtained from livestock of such type owned by him at the time of slaughter and slaughtered in accordance with the provisions of Food Distribution Order No. 27, as amended.

(f) *Base and quota periods.* (1) There are hereby established the following base periods:

(i) October 1, 1941, to December 31, 1941, inclusive;

(ii) January 1, 1941, to March 31, 1941, inclusive;

(iii) April 1, 1941, to June 30, 1941, inclusive;

(iv) July 1, 1941, to September 30, 1941, inclusive.

(2) There are hereby established the following quota periods:

(i) Quota Period 4: July 1, 1943, to September 30, 1943, inclusive; and

(ii) Each subsequent calendar quarter shall constitute a quota period and shall be consecutively numbered.

(g) *Corresponding base period.* The term "corresponding base period" means that calendar quarter of 1941 the months of which coincide with a given quota period.

(h) *Substituted base and quota periods.* If the accounting periods used by a commercial slaughterer during 1941 do not correspond to the base and quota periods established by this order, he may substitute his accounting periods for such base and quota periods: *Provided, That—*

(1) The accounting periods so substituted for base periods contain the same number of calendar days as the accounting periods so substituted for quota periods.

(2) The accounting periods so substituted shall end on Saturday or Sunday, and shall begin and end within seven (7) days of the beginning and end of the corresponding base periods established by this order.

(i) *Permanent quota bases.* (1) The quota base, for each type of controlled meat, for any person who is a commercial slaughterer by virtue of the provisions of (a) (7) (i) or (ii) hereof, shall remain as heretofore established under this order on or prior to June 30, 1943.

(2) The quota base, for each type of controlled meat for each quota period, of any person who is a commercial slaughterer by virtue of the provisions of (a) (7) (iii) hereof, shall be the sum total

of such person's bases for the corresponding months, as established under Food Distribution Order No. 27, as amended.

(j) *Deliveries without charge against quotas; certificates.* (1) Any slaughterer may deliver controlled meat without charge against his quota to:

(i) Any governmental agency with which he has a written contract calling for the delivery of such meat;

(ii) Any governmental agency where such delivery is not covered by a written contract, any authorized purchaser, or any owner of livestock which is custom slaughtered: *Provided*, That the person or agency receiving such controlled meat executes a certificate in accordance with the provisions of (j) (3) hereof and submits the same to such slaughterer within ten (10) days after delivery.

(2) Any commercial slaughterer may deliver controlled meat without charge against his quota to any other commercial slaughterer who executes a certificate in accordance with the provisions of (j) (3) hereof and submits the same to such commercial slaughterer within ten (10) days after delivery.

(3) Certificates executed by governmental agencies, authorized purchasers, or owners of livestock which has been custom slaughtered, who receive deliveries of controlled meat under (j) (1) (ii) hereof, or by commercial slaughterers who receive deliveries of controlled meat under (j) (2) hereof, may be signed by the governmental agency, authorized purchaser, owner, or commercial slaughterer, as the case may be, or an authorized representative of any of them, and shall contain the following:

(i) An acknowledgment of receipt of such controlled meat;

(ii) The name and address of the governmental agency, authorized purchaser, owner of custom slaughtered livestock, or commercial slaughterer, to whom delivery is made;

(iii) The date or dates of delivery;

(iv) The total weight of each type of controlled meat, and a description thereof permitting conversion in accordance with the provisions of (m) hereof;

(v) In the case of an authorized purchaser as defined in (a) (12) (i) hereof, a statement that the controlled meat delivered to him, or an equivalent amount of meat of the same type and grade, will be or has been used in the fulfillment of a contract with a governmental agency, and that such contract was entered into prior to the date of delivery to the authorized purchaser and unfulfilled at such date;

(vi) In the case of an authorized purchaser as defined in (a) (12) (ii) hereof, a statement that the authorized purchaser has delivered controlled meat, or products prepared in whole or in part therefrom, to a governmental agency, and has not replaced such controlled meat by a purchase without charge against the quota of the deliverer under the provisions of (j) hereof;

(vii) In the case of an authorized purchaser as defined in (a) (12) (iii) hereof, a reference, by date or number, or both, to the Director's designation of such person as an authorized purchaser, together with a statement that the controlled meat

delivered to him, or an equivalent amount of controlled meat of the same type and grade, will be used for the purposes authorized by such designation;

(viii) In the case of an owner of livestock which has been custom slaughtered, the registration number or slaughter permit number of such owner (or, if the owner is a farm slaughterer who has no slaughter permit, a statement that the meat is for home consumption) together with a statement acknowledging ownership, at the time of slaughter, of the livestock from which the controlled meat was derived, and a statement that such meat will be charged against the quota of such owner, unless it is delivered without charge against his quota in accordance with the provisions of this order;

(ix) If the delivery is made under (j) (2) hereof, a statement by the commercial slaughterer receiving delivery that such meat will be charged against his quota;

(x) Any other information which the Director may require.

All certificates shall be retained by the slaughterer for delivery to the Director upon request. All statements contained in or accompanying such certificates shall be deemed representations to an agency of the United States. No person shall be entitled to rely upon any such certificate if he knows or has reasonable cause to believe it to be false.

(k) *Deliveries through intermediate persons.* Any person, other than a slaughterer, who delivers controlled meat to a governmental agency, pursuant to a contract between himself and such agency for the delivery of such meat, may execute and sign a certificate which shall contain the contract number of the contract with such governmental agency, together with the information specified under (j) (3) (i), (ii), (iii), and (iv), above. Any such person who, in the absence of a written contract, makes deliveries of controlled meat to a governmental agency, may obtain the applicable certification in accordance with the provisions of (j) (3) hereof. Certificates so executed or obtained may be passed through one or more persons to a slaughterer, who may, in exchange for such certificate, deliver to the holder thereof, without charge against quota, an amount of controlled meat of the same type and grade equivalent, on a conversion weight basis, to the controlled meat described in such certificate.

(l) *Slaughterers owning retail establishments.* A retail establishment, owned by a commercial slaughterer who owns 5 or more establishments selling controlled meat principally at retail, shall, for the purposes of this order, be deemed to be a separate person or entity.

(m) *Conversion weight factors.* (1) The conversion weight of swine slaughtered during a period shall be determined exclusively by computing the average live purchase weight of all swine slaughtered (less condemnations) and multiplying the total live purchase weight of such swine by the conversion factor set forth below for the weight range within which the average live purchase weight falls: *Provided*, That, if the average live purchase weight of swine slaughtered

during any quota period is within 30 pounds of the average live purchase weight of swine slaughtered during the corresponding base period, the conversion weight factor used shall be the factor applicable to the weight range which includes the average live purchase weight of swine slaughtered during the corresponding base period:

Weight range:	Conversion factor
200 lbs., and under.....	.55
201-240 lbs.....	.57
241-300 lbs.....	.59
301 lbs., and over.....	.61

(2) For the purpose of computing the conversion weight of all livestock slaughtered, except swine, and for the purpose of computing deliveries of all controlled meat, the conversion weight of carcasses, and of cuts and trimmings of controlled meat derived therefrom, and of meat products produced therefrom, shall be determined by multiplying the weight thereof by the appropriate conversion factor set forth below:

*Type of controlled meat and description of product*

BEEF	Conversion factor (multiplier)
Dressed carcasses and cuts, not boned, fresh (chilled) or frozen.....	1.00
Boned beef and trimmings, fresh (chilled) or frozen.....	1.41
Cured other than dried—not boned.....	.95
Cured other than dried—boned.....	1.34
Dried (including smoked).....	2.20

VEAL	Conversion factor (multiplier)
Dressed carcasses hide off, and cuts, not boned, fresh (chilled) or frozen.....	1.00
Dressed carcasses hide on, fresh (chilled) or frozen.....	.90
Boned, fresh (chilled) or frozen.....	1.41

LAMB AND MUTTON	Conversion factor (multiplier)
Dressed carcasses pluck out, and cuts, not boned, fresh (chilled) or frozen.....	1.00
Dressed carcasses pluck in, fresh (chilled) or frozen.....	.90
Boned, fresh (chilled) or frozen.....	1.41
Telescoped carcass lambs (shanks off).....	1.03
Telescoped carcass sheep (shanks off, kidney out).....	1.05

PORK		
Dressed carcasses (with cutting fats on), fresh (chilled) or frozen		.83
Cuts:	Not boned	Boned
Fresh (chilled)	1.00	1.15
Wiltshire sides, fresh or cured	1.00	
Cured	1.00	1.10
Smoked	1.10	1.20
Cooked	1.20	1.45
Pork loins		1.33
Fatted, skinless hams and shoulders		1.33
Fatted, skinless picnics		1.45
Trimmings:		
Fresh (chilled) or frozen		1.00

CANNED MEATS PRODUCED FROM CONTROLLED MEAT	Conversion factor (multiplier)
Chopped ham.....	1.28
Luncheon meat.....	1.35
Corned pork.....	2.23
Tushonka.....	1.80
Issue bacon.....	1.18
Sliced bacon.....	1.25
Dehydrated pork (10% maximum moisture content).....	4.75
Dehydrated beef (10% maximum moisture content).....	5.00

The term "boned" describes cuts from which 50 percent or more of the bone by weight has been removed by the process of boning, and the term "not boned" describes cuts from which none or less than 50 percent of the bone, by weight, has been removed, and primal cuts which contain no bone.

(3) The conversion weight of controlled meat of any type used in the preparation of sausage, or in the preparation of canned meat or any other meat product not specified above, shall be computed by determining, on the basis of the manufacturing formula, the net weight of controlled meat of such type used in the processing thereof, and multiplying such net weight by the applicable conversion factor set forth above for such type of controlled meat. The net weight of controlled meat which is cooked and used in the preparation of canned meat not specified above shall be the weight thereof before cooking.

(n) *Markings required on meat.* (1) Every slaughterer shall, prior to delivery, mark each accessible wholesale cut of meat, whether in the entire carcass or detached therefrom, in a plain and conspicuous manner one or more times as hereinafter directed. This requirement shall not apply to meat transferred by a slaughterer to a unit or department of the slaughterer for use in the preparation, manufacture, or production of any product or commodity other than controlled meat. In the case of veal carcasses delivered with the skin on, marks shall be placed on the hind shanks and brisket. Marks may be made with a pencil approved for Kosher marking or with a stamp or stencil and marking fluid conforming to the approved formula for violet branding fluid, which is as follows:

	Ounces
Water.....	3.5
Grain alcohol—95%.....	2.5
Cane sugar.....	1.0
Methyl violet.....	0.1

The methyl violet is dissolved in the alcohol and a portion of the water; the sugar is dissolved in the remaining portion of the water and added to the methyl violet solution. Thorough stirring facilitates solution of the methyl violet.

(2) Where the slaughterer's establishment has been assigned an establishment number by a federal, state, county or city inspecting authority, he may use the number so assigned.

(3) Where a commercial slaughterer's establishment has no establishment number assigned by an inspecting authority, marks shall be made, in letters at least one-quarter inch in height and width, with a number which will be assigned to him upon application by him to the War Food Administration, United States Department of Agriculture.

(4) Where the slaughterer is subject to Food Distribution Order 27, as amended, he shall comply with the marking requirements of that order, and such compliance shall be deemed to satisfy the marking requirements of this order.

(o) *Adjustments, exceptions, consolidation.* (1) Any person who considers that an adjustment or exception should be made in his case to facilitate procure-

ment by governmental agencies, or to prevent spoilage of meat, relieve transportation facilities, promote greater efficiency and dispatch in the war effort, may apply, in writing, to the Director, setting forth the pertinent facts and the reasons why he considers that an adjustment or exception should be made, and the precise nature of the adjustment or the exception desired. In cases of emergency, application may be made by the most convenient means of communication and a written application shall be filed within ten (10) days thereafter. Upon receipt of such application, the Director may take such action as he shall deem necessary or appropriate, which action shall be final.

(2) Any incorporated slaughterer may apply to the Director for consolidation of its quotas with the quotas of any one or more of its wholly owned subsidiaries.

(p) *Quotas; quota bases; establishment, revision, suspension or revocation by the Director.* (1) The Director, upon application, may fix for any slaughterer a quota base for a quota period for any type of controlled meat not delivered by such slaughterer during the corresponding base period.

(2) The Director is authorized, if he deems it necessary to assure efficient distribution of meat for essential war and civilian needs, to establish, adjust, or revise quotas or quota bases for any individual slaughterer or for any class or group of slaughterers, at any time, within any area, and with respect to any type or grade of controlled meat.

(3) Any quota base or quota heretofore or hereafter granted may be suspended, revoked, or adjusted by the Director upon a determination that such quota base or quota has been erroneously granted or is based upon false or erroneous information.

(q) *Records and reports.* (1) Every commercial slaughterer shall forward to the Director, within 10 days after the close of each monthly accounting period, a report showing deliveries made during such monthly accounting period. Such report shall contain the information provided for in, and shall be in accordance, with Form FDO 61-1.

(2) The registration number of every commercial slaughterer shall appear on all reports required to be submitted to the Director under this order.

(3) Every slaughterer shall keep accurate records substantiating all information contained in any report required to be submitted under this order.

(4) All records required to be kept under this order shall be preserved for a period of not less than two years or for such other periods of time as the Director may designate.

(5) The Director shall be entitled to obtain such information from, and to require the submission of such reports and the keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(r) *Contracts.* The provisions of this order, or of any order or instruction issued pursuant thereto, shall be observed without regard to contracts heretofore

or hereafter entered into, or any rights accrued or payments made thereunder.

(s) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent specific record-keeping or reporting requirements by the Director will be subject to approval by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(t) *Audits and inspections.* The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of meat of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(u) *Prohibited acts.* No person shall deliver, or offer to deliver, to any person, and no person shall accept or offer to accept delivery from any person, or use, any controlled meat with knowledge or reason to believe that such delivery or use is or will be in violation of this order, or in violation of or contrary to any statement contained in any certificate or authorization furnished or provided pursuant to this order.

(v) *Violations.* The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using meat or meat products, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such person be prohibited from receiving, making any deliveries of, or using material subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime, and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(w) *Petition for relief from hardship.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship on him may apply, in writing to the Director for relief, setting forth in such petition all pertinent facts and the nature of the relief sought. The Director may thereupon take such action as he deems appropriate, which action shall be final.

(x) *Delegation of authority.* The administration of this order, and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any person within the War Food Administration any or all of the authority vested in him by this order.

(y) *Territorial scope.* The provisions of this order shall apply within the 48 States and the District of Columbia.

(z) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are



issued by the Director, be addressed to the War Food Administrator, United States Department of Agriculture, Washington 25, D. C., Ref: FD-61.

(aa) This order shall become effective at 12:01 a. m., e. w. t., July 1, 1943.

With respect to violations, rights accrued, injunctions outstanding, appeals taken, or liabilities incurred prior to the effective date of this amendment, Restriction Order 1, as amended, shall be deemed to be in full force and effect for the purposes of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, injunction, appeal, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423.)

Issued this 1st day of July 1943.

PAUL A. PORTER,  
Acting War Food Administrator.

[F. R. Doc. 43-10672; Filed, July 2, 1943;  
11:40 a. m.]

#### PART 1410—LIVESTOCK AND MEATS [FDO 61-1]

##### ESTABLISHMENT OF QUOTAS

Pursuant to the provisions of Food Distribution Order No. 61 (supra) (formerly known as Restriction Order 1, 7 F.R. 7839; 8 F.R. 3021, 3328, 3372, 3416, 4151, 7006), and to effectuate the purposes of such order, *It is hereby ordered*, as follows:

§ 1410.14 *Quotas established*—(a) *Definitions*. When used in this order unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) The term "Federally inspected" means inspected and passed in an establishment having Federal inspection pursuant to the Act of March 4, 1907, 34 Stat. 1260, as amended (21 U.S.C. 1940 ed. 71), and as extended by Public Law 602, 77th Cong., 2d Sess., approved June 20, 1942, 56 Stat. 351.

(2) The term "cutter and canner grades of beef" means controlled meat conforming to the specifications for cutter and canner grades of steer, heifer, and cow carcass beef set forth in Service and Regulatory Announcement No. 99, Official United States Standards for Grades of Carcass Beef, United States Department of Agriculture, Agricultural Marketing Administration, reprinted with amendments March 1942.

(b) *Quotas*. The quota of a commercial slaughterer for each type of controlled meat for any Quota Period shall be the conversion weight obtained by multiplying the quota base for such type of controlled meat by the percentage set forth below:

Type of controlled meat:	Percentage
Beef .....	65
Veal .....	65
Lamb and mutton .....	80
Pork .....	85

(c) *Deliveries of cutter and canner grades of beef further restricted*. (1) No slaughterer having Federal inspection shall deliver, during any quota period, to persons other than governmental agen-

cies or authorized purchasers more than 30 percent of the total conversion weight of all controlled meat of cutter and canner grades of beef delivered by such slaughterer during such period.

(2) No slaughterer not having Federal inspection shall deliver, during any quota period, more than 30 percent of his quota of beef for such period in cutter and canner grades of beef.

(d) *Limitation upon deliveries within quota periods*. No commercial slaughterer shall deliver, during any monthly accounting period in any quota period, more controlled meat of any type than the percentages of his quotas set forth below:

Accounting periods in quota period:	Percentage
Calendar month .....	37
Four-week accounting period .....	34
Five-week accounting period .....	42

(e) *Reports*. Every slaughterer shall file, not later than 30 days after the close of Quota Period 3 (period ending, June 30, 1943), with the Director of Food Distribution, War Food Administration, Washington, D. C., on Office of Price Administration Form No. RS01:2, the information called for therein pertaining to deliveries of controlled meat during such quota period (this reporting requirement has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942).

(f) *Effective date*. This order shall become effective at 12:01 a. m., EWT, July 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO 61)

Issued this 1st day of July 1943.

ROY F. HENDRICKSON,  
Director of Food Distribution.

[F. R. Doc. 43-10676; Filed, July 2, 1943;  
11:41 a. m.]

#### TITLE 14—CIVIL AVIATION

##### Chapter I—Civil Aeronautics Board

[Regulations, Serial No. 278]

##### PART 21—AIRLINE TRANSPORT PILOT RATING ISSUANCE OF "ASSISTANT AIRLINE TRANSPORT PILOT CERTIFICATES" TO DESIGNATED CLASS OF PILOTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 25th day of June, 1943.

The following special civil air regulation is made and promulgated to become effective July 1, 1943.

An airman certificate of assistant airline transport pilot grade may be issued by the Administrator of Civil Aeronautics to pilots listed in the operations specifications of scheduled air carriers engaged in overseas or foreign air transportation: *Provided*, That such pilots are holders of currently effective commercial pilot certificates with appropriate aircraft and instrument ratings: *Provided further*, That such certificates shall authorize these pilots to serve as first pilots in scheduled air transporta-

tion carrying cargo and mail but shall not authorize them to carry persons for hire in such transportation.

This regulation shall terminate on December 31, 1943. (52-Stat. 984, 1007; 49 U.S.C. 425, 551)

NOTE. This regulation replaces Regulation No. 236 which expires June 30, 1943.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 43-10644; Filed, July 2, 1943;  
10:07 a. m.]

##### Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 37 of Part 601]

##### PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS AND RADIO FIXES

##### DESIGNATION OF HINCKLEY FIELD, OGDEN, UTAH AS CONTROL AIRPORT

JUNE 22, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and § 60.21 of the Civil Air Regulations, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.3 so as to include in the proper alphabetical order the designation of the following airport as a control airport:

City: Name of airport  
Ogden, Utah..... Hinckley Field.

This amendment shall become effective 0001 e. w. t., July 1, 1943.

C. I. STANTON,  
Administrator.

[F. R. Doc. 43-10624; Filed, July 1, 1943;  
3:06 p. m.]

[Amdt. 38 of Part 601]

##### PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

##### CANCELLATION OF DESIGNATION OF OGDEN, UTAH, AIRPORT AS CONTROL AIRPORT

JUNE 22, 1943.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and § 60.21 of the Civil Air Regulations, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics as follows:

By amending § 601.3 so as to cancel the designation of the following airport as a control airport:

City: Name of airport  
Ogden, Utah..... Ogden Airport (Ayres).

This amendment shall become effective 0001 e. w. t., June 30, 1943.

C. I. STANTON,  
Administrator.

[F. R. Doc. 43-10625; Filed, July 1, 1943;  
3:06 p. m.]

## TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket No. 4641]

## PART 3—DIGEST OF CEASE AND DESIST ORDERS

## EMPIRE PEAT SOIL SPONGE COMPANY

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.96 (a) *Using misleading name—Goods—Nature.* In connection with offer, etc., in commerce, of respondent's peat, using the words "peat moss" or "moss peat", or any other words of similar import, to designate or describe any peat not derived from Sphagnum moss; or otherwise representing, directly or by implication, that any peat is moss peat when such peat is not derived from Sphagnum moss; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Empire Peat Soil Sponge Company, Docket 4641, June 28, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of June, A. D. 1943.

*In the Matter of Gaetano Rossitto, an Individual Doing Business as Empire Peat Soil Sponge Company*

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

*It is ordered,* That the respondent, Gaetano Rossitto, individually and trading as Empire Peat Soil Sponge Company, or trading under any other name, and his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of respondent's peat in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the words "peat moss" or "moss peat", or any other words of similar import, to designate or describe any peat not derived from Sphagnum moss; or otherwise representing, directly or by implication, that any peat is moss peat when such peat is not derived from Sphagnum moss.

*It is further ordered,* That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing,

setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-10669; Filed, July 2, 1943; 11:39 a. m.]

[Docket No. 4947]

## PART 3—DIGEST OF CEASE AND DESIST ORDERS

## THE PREMIER CONE BAKING CO.

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of ice cream cones, or other merchandise, (1) selling, etc., ice cream cones so molded, packed or assembled that sales to the general public of ice cream or other merchandise, when packed in said ice cream cones are to be made or, due to the manner in which said ice cream cones are molded, packed, or assembled at the time they are sold by respondent, may be made, by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with ice cream cones, some of which are molded with a star or other means of identification, together with a sales plan whereby such cones are to be used, or may be used, in distributing extra cones or containers of ice cream or other merchandise by lot or chance; or (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, The Premier Cone Baking Co., Docket 4947, June 24, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of June, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearings as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

*It is ordered,* That the respondent, The Premier Cone Baking Co., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of ice cream cones or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing ice cream cones so molded, packed, or assembled that sales to the general public of ice

cream or other merchandise, when packed in said ice cream cones, are to be made or, due to the manner in which said ice cream cones are molded, packed, or assembled at the time they are sold by respondent, may be made, by means of a game of chance, gift enterprise, or lottery scheme.

2. Supplying to or placing in the hands of others ice cream cones, some of which are molded with a star or other means of identification, together with a sales plan whereby such cones are to be used, or may be used, in distributing extra cones or containers of ice cream or other merchandise by lot or chance.

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

*It is further ordered,* That the respondent, The Premier Cone Baking Co., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order to cease and desist.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-10670; Filed, July 2, 1943; 11:39 a. m.]

[Docket No. 4632]

## PART 3—DIGEST OF CEASE AND DESIST ORDERS

## KOLA ASTIER CORPORATION, ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondents' "Kola Astier" medicinal or other similar preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondents' said preparation, which advertisements represent, directly or through inference, that respondents' preparation (1) has any therapeutic value in the treatment of any disorder or condition resulting from exhausted nerves other than that afforded by a mild, temporary stimulant; (2) is a tonic or that its use will restore lost energy or lost strength or that it will sustain or promote nerve-force; (3) constitutes a competent or effective treatment for poor digestion or insomnia; or (4) has any reliable therapeutic value or beneficial effect upon heart action or the circulatory system; or which advertisements represent, as aforesaid, (5) that the diuretic action of respondents' preparation is sufficient to have therapeutic value in activating the liver and kidneys; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Kola Astier Corporation, et al., June 24, 1943]

*In the Matter of Kola Astier Corporation, a Corporation; and Gallia Laboratories, Inc., a Corporation*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of June, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, testimony and other evidence in support of, and in opposition to, the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and briefs filed in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

*It is ordered*, That the respondents, Kola Astier Corporation, a corporation, and Gallia Laboratories, Inc., a corporation, and their respective officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of their medicinal preparation designated "Kola Astier," or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisements by means of the United States mails or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or through inference,

a. That respondents' preparation has any therapeutic value in the treatment of any disorder or condition resulting from exhausted nerves other than that afforded by a mild, temporary stimulant.

b. That respondents' preparation is a tonic or that its use will restore lost energy or lost strength or that it will sustain or promote nerve-force.

c. That respondent's preparation constitutes a competent or effective treatment for poor digestion or insomnia.

d. That respondents' preparation has any reliable therapeutic value or beneficial effect upon heart action or the circulatory system.

e. That the diuretic action of respondents' preparation is sufficient to have therapeutic value in activating the liver and kidneys.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce directly or indirectly the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act of respondents' medicinal preparation, Kola Astier, which advertisement contains any of the representations prohibited in paragraph 1 hereof and the respective subdivisions thereof.

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with

the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-10668; Filed, July 2, 1943; 11:39 a. m.]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

[Docket No. 4905]

FREEDOM CHEMICAL COMPANY, INC.

§ 3.6 (a 10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product or service:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (c 5) *Neglecting, unfairly or deceptively, to make material disclosure—Qualities or properties:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's "60 Below" or any other similar anti-freeze solution, and among other things, as in order set forth, representing, directly or by implication, (1) that respondent's product, "60 Below", is a perfect permanent anti-freeze; that it is non-corrosive to automotive metals; that it is non-gelatinous, non-gumous, and will not crawl or seep; that "60 Below" is not corrosive to iron, steel, bronze, solder, copper, brass, or aluminum; that "60 Below" is less corrosive than tap water, that "60 Below" anti-corrosion performance compares favorably with any known premium quality anti-freeze marketed in the United States; that "60 Below" is superior to anti-freeze products which have proven ruinous and costly in use; or (2) that it contains a chemical called "calcium bichlorinate"; or (3) representing "60 Below" as an anti-freeze preparation for use in the cooling systems of automotive engines, without disclosing that said product is highly corrosive when in contact with metals such as iron, steel, bronze, solder, copper, brass, and aluminum; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3; 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Freedom Chemical Company, Inc., Docket No. 4905, June 24, 1943]

§ 3.6 (1) *Advertising falsely or misleadingly—Indorsements, approval and testimonials:* § 3.6 (ee 5) *Advertising falsely or misleadingly—Tests and investigations:* § 3.18 *Claiming indorsements or testimonial falsely.* In connection with offer, etc., of respondent's "60 Below" or any other similar anti-freeze solution, and among other things as in order set forth, representing, directly or by implication, (1) that tests conducted by the United States Bureau of Standards show that respondent's product, "60 Below", is non-corrosive to cooling systems, metals, pumps, gaskets or rubber; or (2) that respondent's anti-freeze product, "60 Below", has been approved by the laboratories of Northwestern Univer-

sity, Purdue University, Firestone Tire and Rubber Company, or Pittsburgh Plate Glass Company, as a result of tests of respondent's product; or that said product has been approved by any commercial or university laboratory, when such is not the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Freedom Chemical Company, Inc., Docket No. 4905, June 24, 1943]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of June, A. D. 1943.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission (no answer having been filed by respondent) and a stipulation as to the facts entered into by and between counsel for the Commission and counsel for the respondent upon the record; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

*It is ordered*, That the respondent, Freedom Chemical Company, Inc., a corporation, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its anti-freeze solution designated "60 Below," or any other anti-freeze solution of substantially similar composition or possessing substantially similar chemicals or ingredients, whether sold under the same name or under any other name, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondent's product, "60 Below," is a perfect permanent anti-freeze; that it is non-corrosive to automotive metals; that it is non-gelatinous, non-gumous, and will not crawl or seep; that "60 Below" is not corrosive to iron, steel, bronze, solder, copper, brass, or aluminum; that "60 Below" is less corrosive than tap water, that "60 Below" anti-corrosion performance compares favorably with any known premium quality anti-freeze marketed in the United States; that "60 Below" is superior to anti-freeze products which have proven ruinous and costly in use.

2. Representing, directly or by implication, that tests conducted by the United States Bureau of Standards show that respondent's product, "60 Below," is non-corrosive to cooling systems, metals, pumps, gaskets or rubber.

3. Representing, directly or by implication, that respondent's anti-freeze product, "60 Below," has been approved by the laboratories of Northwestern University, Purdue University, Firestone Tire and Rubber Company, or Pittsburgh Plate Glass Company, as a result of tests of respondent's product; or that said product has been approved by any commercial or university laboratory, when such is not the fact.

4. Representing, directly or by implication, that respondent's product, "60 Below," contains a chemical called "calcium bichlorinate."

5. Representing "60 Below" as an anti-freeze preparation for use in the cool-

ing systems of automotive engines, without disclosing that said product is highly corrosive when in contact with metals such as iron, steel, bronze, solder, copper, brass, and aluminum.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 43-10671; Filed, July 2, 1943;  
11:39 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs

#### PART 1—CUSTOMS DISTRICTS AND PORTS

##### Correction

In the table appearing in § 1.1 (8 F.R. 8099), the entry under "Florida" for "Fernandina (including St. Mary's Ga.)" should be preceded by an asterisk.

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration

[Docket No. FDC-21(a)]

#### PART 15—WHEAT FLOUR AND RELATED PRODUCTS

##### AMENDMENTS TO DEFINITIONS AND STANDARDS OF IDENTITY

In the matter of amended definitions and standards of identity for enriched flour, enriched bromated flour, enriched self-rising flour, and enriched farina.

NOTE: A supplemental order will issue with respect to the proposal for an amended definition and standard of identity for enriched farina.

##### Order

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701; 52 Stat. 1046, 1055; 21 U.S.C. 341, 371, 1940 ed.); the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U.S.C. 133-133v (Supp. V, 1939)); and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); upon the basis of evidence of record herein; and upon consideration of exceptions filed to the proposed order issued by the Acting Federal Security Administrator on June 4, 1943 (8 F.R. 7511), the following order is hereby promulgated:

##### Findings of Fact

1. Since the hearings were held upon which were based the findings contained in the order prescribing the present definitions and standards of identity for enriched flour, enriched bromated flour, enriched self-rising flour, and enriched farina, reports of extensive investigations have become available on the content of nutritive factors in the diets of various income groups and of the population as a whole, and on the daily allowances of various vitamins and minerals needed for adequate nutrition. This new informa-

tion shows that the consumption of enriched flours complying with the present requirements will not result in the degree of nutritional improvement expected by nutritionists at the time the prior hearings were held and which consumers are entitled to expect from publicity regarding such products.

2. Based upon all available results of investigations into the daily quantities of the various nutritional factors required by man, including clinical investigations of deficiency diseases, it is the consensus of opinion of qualified experts in nutrition that the average per capita daily food supply should contain, in the products actually consumed, the quantities specified for the vitamins and minerals indicated in the table below under "Recommended Daily Allowances." In this table are also given the amounts of the same nutritional factors in the average of the daily per capita food supply purchased for home consumption, as shown by a nation-wide survey in the spring of 1942; they are not adjusted for losses in preparation and cooking or through discarding uneaten portions (see Finding 6). The foods containing the amounts of nutritional factors shown by the figures under "As Purchased" include an average of 0.27 pound flour, bromated flour, and self-rising flour purchased as such or as yeast-raised bread or rolls, some of which was enriched to the present required levels; those under "Present Enrichment" are based on the assumption that all such flours are enriched to the minimum levels of thiamine (vitamin B<sub>1</sub>), niacin, or niacin amide (nicotinic acid or nicotinic acid amide), riboflavin, and iron required by the present definitions and standards of identity; and those under "Proposed Enrichment" are based on the assumption that all such flours are enriched to the minimum levels prescribed by the proposed amendments to such definitions and standards upon which the hearing was held, including the proposal that calcium be a required ingredient. All amounts shown in the table are expressed as milligrams.

	Recom- mended daily al- lowances	As pur- chased	Present enrich- ment	Proposed enrich- ment
Thiamine.....	1.6	1.76	2.04	2.14
Niacin.....	16.0	15.0	15.0	15.7
Riboflavin.....	2.3	2.03	2.3	2.3
Iron.....	12.0	15.1	15.2	17.1
Calcium.....	600.0	1000.0	1000.0	1000.0

3. The survey made in the spring of 1942 was preceded by a similar but more comprehensive survey in 1936, when income levels generally were lower than in 1942. The following table, based on the 1936 survey, is directly comparable with the table in finding 2; however, enriched flours and bread were not then available:

	Recom- mended daily al- lowances	As pur- chased	Present enrich- ment	Proposed enrich- ment
Thiamine.....	1.6	1.6	2.04	2.15
Niacin.....	16.0	15.0	15.4	15.6
Riboflavin.....	2.3	1.85	2.17	2.17
Iron.....	12.0	14.2	14.7	15.0
Calcium.....	600.0	570.0	570.0	620.0

4. The average amounts of these nutritional factors in the foods of the low-income groups are less than the average amounts in the foods of the population as a whole, and the low-income groups need a greater supplementation of such nutritional factors. However, flour, bromated flour, and self-rising flour constitute a larger proportion of the diet of the low-income groups and such flours, if enriched to the levels proposed, will not only tend to satisfy the more urgent needs of such groups, but will be almost as effective in correcting their deficiencies of these factors as in correcting such deficiencies for the average of the population. For example, in the spring of 1942 the average per capita daily consumption of such flours by the group with annual family incomes of \$500 to \$1,000 was 0.33 pound, and the following table shows, along with the recommended daily allowances, the amounts of the specified nutrients in the daily per capita food supply, as purchased, when only part of the flours were enriched, when they are enriched to the present minimum levels (including that for riboflavin), and when they are enriched to the proposed minimum levels:

	Recom- mended daily al- lowances	As pur- chased	Present enrich- ment	Proposed enrich- ment
Thiamine.....	1.6	1.59	1.97	2.05
Niacin.....	16.0	13.5	14.1	17.3
Riboflavin.....	2.3	1.63	1.91	1.91
Iron.....	12.0	14.5	14.8	17.0
Calcium.....	600.0	942.0	942.0	1027.0

5. The following table, based on the 1936 survey of families in the \$500 to \$1,000 income group, is directly comparable with the table in Finding 4:

	Recom- mended daily al- lowances	As pur- chased	Present enrich- ment	Proposed enrich- ment
Thiamine.....	1.6	1.42	1.87	1.93
Niacin.....	16.0	12.8	13.3	15.6
Riboflavin.....	2.3	1.64	1.97	1.97
Iron.....	12.0	12.9	13.4	15.6
Calcium.....	600.0	703.0	703.0	833.0

6. Some of the vitamins and minerals specified in the above tables are lost in preparing and cooling foods and through discarding uneaten portions. In the case of thiamine, an additional loss occurs through baking and toasting. Although the average diet containing no enriched flour supplies somewhat more than the recommended daily allowance of iron, there is strong evidence from recent clinical observations that nutritional anemia (caused by a deficiency in iron) is more widespread than previously believed. A factor contributing to this situation is the variation in assimilability of the iron naturally present in foods. If all such flours are enriched to the levels proposed, the excesses of thiamine, niacin, and iron over the recommended daily allowances are reasonable factors of safety to insure that the diet of most persons who consume enriched flour will contain adequate quantities of these nutrients.

7. The surveys, especially that of 1936, show that the calcium content of

the food consumed by a large proportion of the population is less than the recommended daily allowance. Although clinical evidence of disease caused by calcium deficiency is not impressive, this may be due to insufficient clinical studies and to the inadequacy of diagnostic methods for relating disease conditions to insufficiency of calcium intake. Deficiency in calcium contributes to osteoporosis, dental caries, and retardation of growth. Nutritionists generally recommend that calcium deficiency be corrected through greater consumption of milk and its products, particularly since this will supply other needed nutritional factors. However, there is no prospect of any early increase in milk production to levels that will furnish adequate calcium for all segments of the population. Flours enriched with calcium would tend to correct the deficiency in the diet of those segments which, because of insufficient milk supplies or for other reasons, do not obtain enough calcium.

8. In both home baking and commercial baking of white bread calcium may be added through the use of milk and milk products in making the dough, or, in certain areas, through the use of water from supplies which are high in calcium. In many commercial bakeries so-called dough improvers, yeast foods, and rope inhibitors containing calcium are used in such quantities that the calcium content of the finished bread prepared with skim milk solids usually exceeds 200 milligrams per pound, and frequently approaches and may exceed 300 milligrams per pound, which is about the minimum that results from baking bread from a dough made of yeast, salt, low-calcium water, and flour containing 500 milligrams of calcium per pound. If such calcium-enriched flour is used with the other calcium-bearing ingredients commonly employed in commercial baking, the calcium content of the finished bread will approximate 600 milligrams per pound, or even 700 milligrams per pound.

9. The use of calcium at these higher levels, in the form of some of its available salts, presents certain technological problems in baking yeast-leavened bread. Some of these salts affect the gluten of the flour to an extent that causes difficulties in handling the dough and impairment of quality of the finished bread. Some lower the hydrogen-ion concentration (expressed as a higher pH) and thus increase the possibility of losses from "rope" (spoilage by certain bacteria). Many bakers are familiar with the action of monocalcium phosphate in bread through its use as a yeast food and rope inhibitor; this salt of calcium and dicalcium or tricalcium phosphate, in appropriate mixtures that produce a desirable hydrogen-ion concentration, are the calcium salts most suitable for enriching flour but because of present military needs for large quantities of phosphates there is now available only about one-tenth of the quantity that would be needed for enriched flour, enriched bromated flour, and enriched white bread if calcium is a required ingredient, since all white bread is now required to be enriched by Food Distribution Order No. 1, and a requirement that all family flour be enriched is in

prospect. Large bakeries ordinarily use plain flour and add enriching ingredients to the dough, whereas small bakeries may depend largely on the use of enriched flour to make enriched bread. The difficulties involved in using at the higher levels the calcium salts now available are more likely to occur in small bakeries and in home baking than in large bakeries. Technical control such as is generally available only to large bakeries is necessary to the use at the higher levels of those calcium salts that can now be obtained in adequate quantities. It would be unreasonable to require calcium in enriched flour and enriched bromated flour under present conditions because such a requirement would place an undue burden on small bakeries and might also cause difficulties in home baking of yeast-leavened bread. The evidence does not show that the same or comparable burdens or difficulties would be involved in baking the products for which self-rising flour is used. The leavening agent in self-rising flour usually consists of a mixture of sodium bicarbonate and monocalcium phosphate (Finding 24, order prescribing definitions and standards of identity for wheat flour and related products, 6 F.R. 2575). There is no evidence that the available supply of monocalcium phosphate is insufficient for this purpose.

10. The quality of each of the various vitamins and minerals naturally present in flour varies to some extent, depending on the variety of wheat used, the milling process, and other factors. In the usual mill practice of adding sufficient enriching ingredients to insure compliance with the prescribed minima, the total quantity of any such ingredient does not usually exceed the required minimum by as much as 25 percent, except that in the case of calcium in enriched self-rising flour, some of the leavening ingredients may raise the calcium content to nearly 1500 milligrams per pound. An unnecessarily wide spread between minima and maxima would likely lead to competitive increases between manufacturers, accompanied by such advertising claims as would confuse consumers as to their nutritional needs and the value of enriched flours in supplying those needs. Consumer understanding of the value of enriched flour will be promoted by requiring its composition to be as nearly uniform as practicable as to both quantities and kinds of nutritional factors present.

11. The following are reasonable limits, expressed as milligrams per pound, for thiamine, niacin, and iron as required ingredients in enriched flour, enriched bromated flour, and enriched self-rising flour:

	Minimum	Maximum
Thiamine.....	2.0	2.5
Niacin.....	16.0	20.0
Iron.....	13.0	16.5

A reasonable maximum limit for riboflavin as a required ingredient in enriched flour, enriched bromated flour, and enriched self-rising flour is 1.5 milligrams per pound. A reasonable maximum limit for calcium as an optional ingredient in enriched flour and enriched

bromated flour is 625 milligrams per pound, and reasonable minimum and maximum limits for calcium as a required ingredient in enriched self-rising flour are, respectively, 500 and 1500 milligrams per pound.

On the basis of the foregoing findings of fact it is concluded that each of the following amendments to the definitions and standards of identity for enriched flour, enriched bromated flour, and enriched self-rising flour, will promote honesty and fair dealing in the interest of consumers, and such amendments are hereby promulgated:

Section 15.010 is amended by changing paragraph (a) to read as follows:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacin amide, not less than 13.0 milligrams and not more than 16.5 milligrams of iron (Fe);

Section 15.010 is further amended by changing the maximum content of calcium prescribed by paragraph (c) from 2,000 milligrams to 625 milligrams.

Section 15.030 is amended by inserting after "§ 15.010," the words "as amended."

Section 15.060 is amended by changing paragraph (a) to read as follows:

(a) It contains in each pound not less than 2.0 milligrams and not more than 2.5 milligrams of thiamine, not less than 1.2 milligrams and not more than 1.5 milligrams of riboflavin, not less than 16.0 milligrams and not more than 20.0 milligrams of niacin or niacin amide, not less than 13.0 milligrams and not more than 16.5 milligrams of iron (Fe), not less than 500 milligrams and not more than 1,500 milligrams of calcium (Ca);

Section 15.060 is further amended by striking out paragraph (c), and by changing the designations of paragraphs (d), (e), and (f) to (c), (d), and (e), respectively.

The regulations hereby promulgated shall become effective on the ninetieth day following the date of publication of this order in the FEDERAL REGISTER.

Dated: July 1, 1943.

[SEAL]

WATSON B. MILLER,  
Acting Administrator.

[F. R. Doc. 43-10656; Filed, July 2, 1943;  
11:13 a. m.]

## TITLE 29—LABOR

### Chapter IV—United States Department of Labor, Children's Bureau

[Child Labor Reg. 24a, Amdt.]

#### PART 402—ACCEPTANCE OF STATE CERTIFICATES

##### NEVADA ADDED TO LIST

By virtue of and pursuant to the authority conferred by sections 3 (l) and 11 (b) of the Fair Labor Standards Act of 1938 (c. 676, 52 Stat. 1060, 29 U.S.C., sec. 201), I hereby amend § 402.1, Part 402, Title 29 of the Code of Federal



Regulations, by adding the State of Nevada to the States previously designated therein in which State age, employment or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Dated: July 2, 1943.

MARTHA M. ELIOT,  
Acting Chief.

[F. R. Doc. 43-10660; Filed, July 2, 1943;  
11:24 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IX—War Production Board

#### Subchapter B—Executive Vice Chairman

**AUTHORITY:** Regulations in this subchapter issued under P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.

#### PART 1010—SUSPENSION ORDERS

[Amdt. 2 to Suspension Order S-268]

JAMES A. KENNY

James A. Kenny, Philadelphia, Pennsylvania, has appealed from the provisions of Suspension Order S-268 issued April 20, 1943 and amended May 14, 1943. After a review of the case it has been determined that the appeal be denied, but that Suspension Order S-268 as amended May 14, 1943 be modified to permit an increased production by the Company.

In view of the foregoing facts, paragraph (a) of § 1010.268 of Suspension Order S-268 as amended May 14, 1943, is amended to read as follows:

(a) James A. Kenny, his successors and assigns, shall not use any metal whatsoever in the production of more than 565 caskets and 375 shipping cases and burial vaults during any calendar month except as hereafter specifically authorized in writing by the War Production Board.

Issued this 1st day of July 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-10640; Filed, July 1, 1943;  
4:57 p. m.]

#### PART 1010—SUSPENSION ORDERS

[Amdt. 1 to Suspension Order S-297]

#### PENNSYLVANIA INDEPENDENT OIL COMPANY

Pennsylvania Independent Oil Company, Allentown, Pennsylvania, has appealed from the provisions of Suspension Order S-297, issued April 30, 1943. After a review of the case it has been determined that the appeal be denied but that Suspension Order S-297 be modified so as to remove the restriction upon the Company's accepting delivery of motor fuel and to increase the amounts which it is permitted to deliver to its service stations. It was further determined that the stay of the provisions of Suspension Order S-297, granted May 6, 1943, be

lifted and the Suspension Order as modified become effective July 1, 1943.

In view of the foregoing, § 1010.297 Suspension Order S-297, issued April 30, 1943, is hereby amended to read as follows:

(a) Pennsylvania Independent Oil Company, its successors and assigns, shall make no deliveries of motor fuel, as defined in Limitation Order L-70, to its twenty-five service stations in excess of the total amount of 188,500 gallons during the month of July, 1943; 188,500 gallons during the month of August, 1943; and 175,500 gallons during the month of September, 1943; the said Company to allocate these totals among its twenty-five service stations at its own discretion. The aforesaid service stations shall not accept delivery of any motor fuel in excess of those amounts.

(b) Nothing contained in this order shall be deemed to relieve Pennsylvania Independent Oil Company, its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 1, 1943 and shall expire on September 30, 1943, at which time the restrictions contained in this order shall be of no further effect.

Issued this 1st day of July 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-10641; Filed, July 1, 1943;  
4:57 p. m.]

#### PART 1010—SUSPENSION ORDERS

[Suspension Order S-359]

GEORGE DERBES

Georges Derbes is the owner of the premises situated at 402 Mahantongo Street, Pottsville, Pennsylvania. Subsequent to December 5, 1942, he began construction on the remodeling of these premises into apartments at an estimated cost in excess of \$200.00 without authority from the War Production Board and in violation of the order. At the time he began construction, he either had knowledge that such construction work was restricted or from frequent contact with the orders of the War Production Board he should have had such knowledge. These acts must therefore be deemed to constitute a willful violation of Conservation Order L-41.

This violation of Conservation Order L-41 has diverted scarce materials to uses unauthorized by the War Production Board. In view of the foregoing, it is hereby ordered, That:

§ 1010.356 Suspension Order S-356.

(a) Neither George Derbes nor any other person shall order, purchase, accept delivery of, withdraw from inventory, or in any manner secure or use material or construction plant in order to continue or complete construction on the remodeling of the premises situated at 402 Mahantongo Street, Pottsville, Pennsylvania, unless hereafter speci-

cally authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve George Derbes from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on July 6, 1943.

Issued this 1st day of July 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-10642; Filed, July 1, 1943;  
4:57 p. m.]

#### PART 977—MANILA FIBRE AND MANILA CORDAGE

[General Conservation Order M-294, as Amended July 2, 1943]

#### WASTE MANILA ROPE

Section 977.6 General Conservation Order M-294 is hereby amended to read as follows:

§ 977.6 General Conservation Order M-294—(a) Definitions. For the purpose of this order:

(1) "Waste manila rope" means used manila rope, which is acquired for any purpose whatsoever excepting only that which is acquired for reuse as rope. The material resulting from any shredding, parting or other type of separation of the strands or fibres of used manila rope shall be deemed to be "waste manila rope".

(2) "Permitted use" means with respect to each grade or type of paper designated on List A, the uses described for such paper on List A.

(3) "No. 1 large waste manila rope" means solid, clean, dry, sound manila rope not less than  $\frac{3}{4}$ " in diameter, free from any inferior or objectionable materials, such as tarred and transmission ropes; dirty, black, painted, greasy, oily, oil smeared, and latex treated rope or coal dust; rope wholly or partly composed of fibers other than manila and such materials as tender fiber, knots, nets, yarns, strands, shakings, cord, string, or other unsound fibers.

(4) "No. 1 small waste manila rope" means the same rope as defined in paragraph (a) (3), except that the rope may be less than  $\frac{3}{4}$ " in diameter.

(5) "Uncut manila fenders" means uncut manila fenders obtained from boats and docks, packed separately and free of mats, iron, grease, rubber, tender and other foreign materials.

(b) Limitations on use of waste manila rope. (1) From and after March 19, 1943, no person shall use waste manila rope as a raw material in the manufacture of any product or products other than in the manufacture of rope or in the manufacture of paper.

(2) From and after March 19, 1943, no person shall use waste manila rope in the manufacture of any grade or type of paper other than the grades and types of paper shown on List A.

(c) Limitation on use of grades and types of paper shown on List A. From and after March 19, 1943, no person who accepts delivery of any grade or type of

paper shown on List A in which waste manila rope is used as a raw material shall use the same for any purpose or use other than the permitted uses for such grade or type of paper shown on List A, except that this restriction shall not apply to any grade or type of paper containing waste manila rope, manufactured prior to March 19, 1943.

(d) *Limitations on use of waste manila rope in the manufacture of flour and cereal sack papers.* (1) No person shall use waste manila rope in the manufacture of paper for flour or cereal products sacks to an extent in excess of 35% of the total fibre content of such paper; *Provided, however,* That the amount of waste manila rope used by him in the manufacture of such paper during any one month shall not exceed 35% of the amount used by him in the manufacture of such paper during the month of December 1942.

(2) No person shall use No. 1 large waste manila rope (as defined in paragraph (a) (3)) or No. 1 small waste manila rope (as defined in paragraph (a) (4)) or uncut manila fenders (as defined in paragraph (a) (5) of this order), to an extent in excess of 25% of the total fibre content of such paper; *Provided, however,* That the amount of No. 1 large waste manila rope, No. 1 small waste manila rope or uncut manila fenders used by him in the manufacture of such paper during any one month shall not exceed 25% of the amount used by him in the manufacture of such paper during the month of December 1942.

(e) *Limitation on use of waste manila rope in the manufacture of abrasive paper.* (1) No person shall use waste manila rope in the manufacture of abrasive paper to an extent in excess of 25% of the total fibre content of such paper, and none of the waste manila rope so used shall be of the grades known as No. 1 large old manila rope or No. 1 small old manila rope or uncut manila fenders.

(f) *Obligation to examine and refuse certain orders.* From and after March 19, 1943:

(1) No person using waste manila rope in the manufacture of the grades and types of paper shown on List A shall sell or deliver any such paper which he knows or has reason to know will be used for any other purpose or use other than a permitted use.

(g) *Exceptions.* Specific authorization may be granted by the War Production Board for use of waste manila rope in the manufacture of any product or products for delivery to the Armed Forces or for use in the manufacture of any material or equipment for delivery to the Armed Forces when such product or products, material or equipment cannot be satisfactorily produced from other available fibres. Applications for such authorization shall be made by filing a letter with the War Production Board, Pulp and Paper Division, Reference M-294, stating fully reasons for requesting such authorization.

(h) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(i) *Appeals.* Any appeal from the provisions of this order shall be made

by filing a letter in triplicate, referring to the particular provisions appealed from and stating fully the grounds for appeal.

(j) *Communications.* All reports required to be filed hereunder, all communications concerning this order or any schedule issued supplementary hereto shall, unless otherwise directed be addressed to War Production Board, Pulp and Paper Division, Washington, D. C., Ref.: M-294.

(k) *Violations.* Any person who willfully violates any provision of this order, or who in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 2d day of July 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

#### LIST A

Grade or type of paper:	Permitted use
Insulating papers--	In the manufacture of insulation for communication wiring and cables, for electrical wiring and cables, and other types of electrical insulation.
Gasket base papers--	In the manufacture of gaskets.
Artificial leather base papers.	In the manufacture of artificial leather for delivery to shoe manufacturers.
Flour and cereal products sack papers.	For use in the manufacture of sacks for packaging flour or other cereal products, for human consumption, in quantities of 25 pounds or more.
Tag papers-----	In the manufacture of casualty tags, shipping tags and identification tags for delivery to the Armed Forces.
Abrasive paper-----	In the manufacture of industrial abrasive papers and belts.

[F. R. Doc. 43-10648; Filed, July 2, 1943; 10:27 a. m.]

#### PART 1157—CONSTRUCTION MACHINERY AND EQUIPMENT

[Limitation Order L-192 as Amended July 2, 1943]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply for defense, for private account and for export, of rubber and other materials used in the production of construction machinery and equipment and repair parts; and the following order is deemed necessary and appropriate in the public in-

terest and to promote the national defense:

#### § 1157.10 Limitation Order L-192--

(a) *Revocation of Limitation Order L-82 and L-82-a.* This order, as of November 30, 1942, supersedes Limitation Orders Nos. L-82 and L-82-a. Notwithstanding the revocation of Limitation Orders Nos. L-82 and L-82-a issued November 7th, 1942, every person subject to the terms thereof immediately prior to such date shall abide by the terms of such orders until November 30, 1942, as though their text were fully incorporated in this order.

(b) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable Regulations of the War Production Board, as amended from time to time.

(c) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of equipment.

(3) "Equipment" means that construction machinery and equipment listed in Schedules A, B, C, and D attached hereto, but shall not include any equipment on rubber tired chassis or running gear built for or usable for the transportation of commodities or persons.

(4) "New", when applied to equipment, means any equipment which has never been received or accepted by any person acquiring it for use.

(5) "Repair part" means any part manufactured for use in the repair and maintenance of equipment; but does not include components or attachments which change the functional operations of the equipment as originally shipped.

(6) "War agency" means the Army, Navy, Maritime Commission, War Shipping Administration, Canadian Department of Munitions and Supply, and the government of any foreign country receiving aid pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(7) "Essential project" means a construction project undertaken by, or contracted by or for the account of a war agency or the Defense Plant Corporation, or any other construction project granted a preference rating of A-1-k or higher under any order in the P-19 series; but does not include any mine operating under a serial number of Preference Rating Order P-56.

(8) "Rubber" means all kinds of natural, reclaimed and synthetic rubber.

(9) "Dealer or distributor" means any person located within the forty eight states of the United States or the District of Columbia who is engaged in the business of purchasing equipment or repair parts for the purpose of resale.

(d) *Procedure for placing and receiving equipment orders.* (1) *For Schedule A equipment.* No person shall place or accept any order for new equipment listed in Schedule A, except according to the following procedure:

(i) Every person, except a war agency, desiring to place such an order shall

file an application for authorization to purchase on Form PD-556 in quintuplicate with the War Production Board regional office in the region in which such person desires to use such equipment. Such application when approved by the War Production Board shall establish all conditions under which such order may be placed with the supplier including the assignment of preference ratings if not previously granted.

(ii) Every person, except a war agency, who applies for such equipment by filing Form PD-556, thereby makes representation that he has complied with all the terms of Limitation Order L-196 as amended.

(iii) A war agency shall furnish the Construction Machinery Division, War Production Board, Washington, D. C. with Form PD-556 made out in duplicate at the time that any order for such equipment is placed with a producer.

(iv) No person shall accept an order for such equipment from any person except a war agency, unless such order is accompanied by such authorization on Form PD-556.

(2) *For Schedule B equipment.* Nothing in this order shall prevent any person from placing or accepting an order for new equipment listed in Schedule B, subject to all applicable regulations of the War Production Board.

(3) *For Schedule C equipment.* (i) No person, except a war agency, may place an order for new equipment listed on Schedule C, and no person may accept such an order unless it is placed by a war agency and accompanied by an authorization to purchase on Form PD-556.

(ii) A war agency must file an application for authorization to purchase such equipment on Form PD-556 in quadruplicate with the Construction Machinery Division, War Production Board, Washington, D. C. A war agency may also file such an application for such equipment for use by a prime contractor on a construction project for such agency.

(4) Except as provided in paragraph (e) (2), nothing in this order shall prevent any person from placing or accepting an order for new equipment listed in Schedule D, subject to all applicable regulations of the War Production Board.

(e) *Restrictions on production of equipment.* (1) No producer shall use or put into process any materials for the production or assembly of

(i) Any new equipment except in accordance with such production schedules as may be approved by the War Production Board as provided in paragraph (f) hereof;

(ii) Any new equipment designed for or requiring rubber tires except to fill an order placed by a war agency or unless the authorization on Form PD-556 required by paragraph (d) hereof specifically so provides;

(iii) Any parts to be physically incorporated into new equipment in excess of those required by approved production schedules: *Provided*, That this subparagraph (e) (1) (iii) shall not apply to the production of repair parts or components or attachments;

(iv) Any new equipment listed in Schedule C, except to fill an order au-

thorized by the War Production Board on Form PD-556 pursuant to paragraph (d) (3) hereof.

(2) In addition to such limitations and prohibitions as may be imposed by Order L-217 and all schedules thereto, on and after May 1, 1943, no producer shall use or put into process any materials for the production or assembly of any equipment listed in Schedule D.

(f) *Production schedules.* (1) On or before November 25, 1942, and on or before the 15th day of each succeeding calendar month, every producer shall file in quadruplicate on Form PD-697 a statement of his production for the previous month and his proposed production schedule of all new equipment projected for all additional monthly periods for which production may be planned. Approval or modification of such production schedule of all new equipment for the three calendar months succeeding such filing, or for such shorter time as production may be planned, will be indicated on an approved copy of said Form PD-697 returned to such producer prior to the first day of the calendar month succeeding such filing. Except as provided in paragraph (f) (2) hereof, no producer shall change his production schedules as approved or changed by the War Production Board without specific authorization of the War Production Board.

(2) Any producer of new equipment listed in Schedule B may produce all or any one or more items of such equipment appearing on his approved production schedules on Form PD-697 at any time during the months for which the schedules were approved, and need not therefore in that regard produce in strict accordance or sequence with the individual monthly production schedules approved: *Provided*, That the total quantity of each item produced during such period shall not exceed that authorized on such approved schedules.

(g) *Inventory reports.* On or before November 25, 1942, and on or before the 15th day of each succeeding calendar month, every producer shall file in quadruplicate on Form PD-697, a statement of finished unsold inventory, as of the last day of the preceding calendar month, of new equipment including that in the possession of his dealers and distributors. Every dealer and distributor, on the fifth day of the month, shall report his inventory of new equipment as of the last day of the preceding calendar month to the producer from whom such equipment was purchased, or, if not purchased, to the producer for whom the distributor or dealer is acting as agent.

(h) *Prohibiting transfer and use of new equipment.* On and after November 30, 1942, no producer shall use for other than experimental or demonstration purposes, or sell, lease, trade, lend, deliver, ship or transfer, any new equipment and no person shall accept the same unless

(1) Such equipment is then in transit to such person, or

(2) Such use, sale, lease, trade, loan, delivery, shipment or transfer has been specifically approved by the War Production Board as follows:

(i) On or before November 25, 1942, and on or before the 15th day of each succeeding calendar month, every pro-

ducer shall file in quadruplicate on Form PD-697 a statement showing his proposed delivery schedule of all unfilled orders of new equipment, his shipments made during the calendar month previous to filing, and also his shipments during the current month to the date of filing. Approval of a delivery schedule of all new equipment for the calendar month succeeding such filing, whether or not such equipment is actually shipped during that month, will be indicated on an approved copy of said form returned to such producer prior to the first day of that month.

(ii) The delivery of all new equipment as scheduled for delivery on or before November 30, 1942, and previously authorized under Limitation Orders L-82 and L-82-a, shall be deemed to be authorized, unless the War Production Board shall otherwise direct.

(iii) The War Production Board may at any time revoke any delivery authorization provided for in subparagraphs (h) (2) (i) or (h) (2) (ii) above as to any or all new equipment included therein, direct or change the schedule for deliveries of any new equipment, allocate any order for any new equipment listed on a producer's Form PD-697 to any other producer, or direct the delivery of any new equipment to any other person, at regularly established prices and terms.

(iv) Except as provided in subparagraph (h) (2) (v) hereof, and notwithstanding any preference rating heretofore or hereafter granted, no producer shall change his schedule of deliveries of any new equipment as approved or changed by the War Production Board, without specific authorization of the War Production Board.

(v) Any producer may deliver any item of new equipment listed in Schedule B to the amount permitted by approved production schedules regardless of his schedule of deliveries of such equipment as listed on his current Form PD-697. Such deliveries shall be subject to all applicable Regulations of the War Production Board.

(i) *Restrictions on resale, rental and use.* (1) Every person, except a war agency, to whom delivery of any new equipment listed in Schedule A or C has been authorized pursuant to this order, must use such equipment on the project described in the authorization to purchase and will be subject to the provisions of paragraphs (i) (2) and (i) (3) hereof.

(2) Every person except a war agency, thirty days prior to the sale, lease or use on any other project of such equipment, shall complete, sign and return Form WPB 1333 to the Used Construction Machinery Regional Specialist in the War Production Board Regional office in the region in which the PD-556 was originally approved for such equipment.

(3) The War Production Board at any time on two weeks' written notice, may require any such person who owns such equipment to sell, lease, or use such equipment as directed.

(4) Nothing in this order shall be deemed to affect the applicability of Limitation Order L-196.

(j) *Procedure and restrictions on sale and delivery of repair parts—(1) Re-*

pairs for actual or impending breakdown or maintenance. (i) No producer, dealer, or distributor shall sell or deliver repair parts for actual or impending breakdown or for maintenance of equipment in sound working condition to any person other than another producer, dealer, or distributor, unless such person has furnished the information and certification called for below in a writing signed by such person and in substantially the following form:

This order covers Repair Parts needed for actual or impending breakdown or maintenance of \_\_\_\_\_ which has been registered under L-196. Model Number \_\_\_\_\_ Serial Number \_\_\_\_\_ Rating \_\_\_\_\_ Project Identification \_\_\_\_\_ (Under project identification, if for War Agency give prime contract number of project otherwise state type of work for which parts are intended, e. g., mining, highway construction, housing, etc.) In accordance with Limitation Order L-192 with the terms of which I am familiar.

Date \_\_\_\_\_ Purchaser \_\_\_\_\_ By: \_\_\_\_\_

Such certification shall constitute a representation to the War Production Board that such repair parts are required for the purpose of repair of actual or impending breakdown or maintenance of the particular equipment, and, unless the applicant is a war agency, that the applicant does not have parts available or on order for this purpose and that such applicant has registered the equipment for which the repair parts are sought in accordance with the provisions of Limitation Order L-196 providing for registration of used construction equipment. This certification shall, for the purposes of this order, supplant the certification required in Preference Rating Order P-100.

(ii) No person, except a producer, dealer, distributor, or a war agency, shall purchase for stock or inventory repair parts (in excess of that required for the purpose of repair of impending breakdown or for maintenance of equipment in sound working condition on the current job), without specific authorization of the War Production Board on Form PD-556, submitted in duplicate. On such Form PD-556 the applicant must supply under section 5 thereof, adequate reasons why this stock or inventory must be acquired, which shall include the following information: quantity, make and model number of equipment for which parts are intended, present inventory of such parts, duration and preference rating of project on which such equipment is now working, and the distance from normal source of supply for such repair parts.

(iii) All orders for repair parts for actual or impending breakdown or maintenance of equipment in use on essential projects, as defined in paragraph (c) (7) hereof, shall carry the highest preference rating of such project. However, this subparagraph (j) (1) (iii) shall not be construed to prevent the use of any higher individual rating which may be authorized for emergency repairs pursuant to any regulation, order, or directive of the War Production Board.

(2) *Repair parts for reconditioning or rebuilding used equipment.* No pro-

ducer, dealer, or distributor shall sell or deliver repair parts for purposes of reconditioning or rebuilding used equipment (except to a war agency, or to a person who has contracted to recondition or rebuild equipment owned by a war agency and to whom such war agency has properly extended a preference rating, or to a mine operating under a serial number of preference rating Order P-56), unless the order for such repair parts is accompanied by an authorization of the War Production Board, application for which shall be on Form PD-556 submitted in duplicate listing individually the repair parts requested and their approximate value.

(3) *Spares.* Orders for repair parts intended to be used as spares for new equipment listed in Schedules A and C shall be placed with the producer at the same time as the order for such new equipment, and shall be listed on the Form PD-556 on which such new equipment is requested.

(4) No producer shall deliver to war agencies in any one month, any repair part whatsoever in excess of seventy-five (75) percent of his combined production and inventory of such repair part during such month if such delivery would prevent deliveries of such repair part to fill orders properly placed by other persons, pursuant to provisions of paragraphs (j) (1), (2), and (3) above, without specific authorization of the War Production Board on Form PD-556. "Other persons" as used in this paragraph (j) (4) shall not include dealers or distributors who have ordered such repair part for their stock or to fill orders not yet sold.

(k) *Substitution and conservation of critical materials.* In the manufacture of any item of equipment or repairs parts, no producer shall use any alloy steel, stainless steel, aluminum, magnesium, copper, brass, bronze, zinc, nickel, tin, cadmium, or fabricated rubber products where the use of other less critical materials will not impair the efficiency of operation of such item.

(l) *Records.* All persons affected by this order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, purchases, production and sale.

(m) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(n) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(o) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from

and stating fully the grounds of the appeal.

(p) *Communications.* All communications concerning this order, except where specific reference is made therein to the contrary, shall be addressed to Construction Machinery Division, War Production Board, Washington, D. C., Ref: L-192.

Issued this 2d day of July 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

#### SCHEDULE A

NOTE: Schedule A as amended July 2, 1943.

Angledozer and modifications thereof  
Bulldozers and modifications thereof  
Conveyors, construction material, portable belt type and for portable plants  
Cranes, crawler mounted power  
Cranes, tractor mounted power and modifications thereof  
Cranes, rubber tired mounted power except freight handling lift trucks  
Crushers, jaw (sizes 9" x 14" to 30" x 44" openings, inclusive); except those intermediate sizes as indicated in Schedule D (Ref. L-217), and except those sizes of a type designed exclusively for mining and smelting  
Crushers, roll, construction aggregates, portable type, except those sizes and types as indicated in Schedule D (Ref. L-217)  
Crushing plants, portable type  
Derricks, guy, contractors and material handling, stationary type  
Derricks, stiff leg, contractors and material handling, stationary type  
Distributors, bituminous  
Ditchers, ladder  
Ditchers, wheel  
Draglines (see cranes)  
Draglines, slack line  
Draglines, walking  
Drilling machines, blast hole drills, churn drill type  
Drilling machines, rock portable mounted  
Dryers, construction aggregate  
Excavators (see power shovels)  
Finishers, concrete paving  
Finishers, bituminous paving  
Finishers and rodding machines for wet concrete  
Grapples  
Hammers, pile  
Heaters, and circulators, tank car  
Jacks, mud  
Loaders, portable bucket (other than coal)  
Loaders, portable snow  
Logging arches, tractor drawn  
Mixers, aggregate pulverizer  
Mixers, agitator concrete truck type, except those sizes and types as indicated in Schedule D (Ref. L-217)  
Mixers, concrete truck mounted with elevating towers  
Mixers, concrete construction, above 7 cubic feet except those sizes and types as indicated in Schedule D (Ref. L-217)  
Pavers, concrete  
Plants, stabilizing  
Plants, asphalt, including travel mix type  
Plants, bituminous patch, hot or cold mixer type (more than 10 ton per hour capacity)  
Flows, snow (rotary and blower types)  
Power control units for tractors (both cable and hydraulic)  
Pumps, concrete, except for well cementing  
Pumps, portable engine or electric-motor-driven pumping units mounted on skids, with or without handles, or trailer mounted larger than 90,000 gallons per hour, self-priming centrifugal pumps, horizontal or vertical triplex piston road pumps, ordinarily used for contractor's purposes or by contractors for dewatering and supply, except those sizes and types as indicated in Schedule D (Ref. L-217)

Rippers, road  
Scrapers, carrying and hauling, both drawn and self-propelled, except sizes listed in Schedule D  
Shovels, crawler mounted power  
Shovels, rubber tired mounted power  
Shovels, tractor mounted power  
Sprayers, (maintenance units) bituminous material (over 300 gallon capacity)  
Spreaders, concrete paving  
Wagons, contractors crawler  
Wagons, logging  
Winches, tractor mounted

## SCHEDULE B

Note: Schedule B as amended July 2, 1943.

Backfill tampers  
Breakers, paving  
Buckets, clamshell  
Buckets, concrete  
Buckets, dragline  
Buckets, orange peel  
Buckets, scraper (bottomless) for dragline operation  
Clay diggers  
Concrete surfacing machines, hand carried type  
Derricks, small stiff leg, guy, pole, tripod, and setter types with hand power hoists or winches of not over 4 ton maximum capacity  
Drills, jack hammer  
Drills, rock, except portable mounted  
Form tamping and pulling machines  
Heaters, asphalt surface  
Heaters, concrete mixer  
Hoists, contractors and material handling, hand type and power driven having specifications not exceeding 6,000 pounds line pull at 200 FPM line speed or not exceeding 1,300,000 foot pounds effort based on second wrap of cable  
Joint and crack filling machines  
Kettles, bituminous heating  
Mixers, concrete construction, 7 cubic feet and smaller; except those sizes and types as indicated in Schedule D (Ref. L-217)  
Mixers, plaster and mortar  
Paving breakers  
Plants, bituminous patch, hot or cold mixer type (10 ton per hour capacity and under)  
Post hole diggers, vertical auger type (power driven)  
Pumps, portable engine or electric motor driven pumping units, mounted on skids, with or without handles, or trailer mounted 90,000 gallons per hour and smaller self-priming centrifugal pumps, plunger pumps, or diaphragm pumps ordinarily used for contractors purposes or by contractors for dewatering and supply, excluding farm type, industrial type and underwriters approved fire fighting pumps; except those sizes and types as indicated in Schedule D (Ref. L-217)  
Screen, rotary, vibrator and gravity types, other than coal, mining, industrial or those for screening mud on well drilling, used as a component part of or replacement for a portable crushing, screening or mashing plant.  
Sprayers, (maintenance units) bituminous material (300 gallon capacity and smaller)  
Spreaders, construction material  
Vibrators, concrete  
Winches, contractor (see hoists)

## SCHEDULE C

Note: Schedule C as amended July 2, 1943.

The items of equipment appearing in Schedule C may be ordered and produced only

for military purposes as provided in paragraphs (d) (3) and (e) (1) (iv).

Batchers, construction material  
Batching plants, construction type  
Bins, construction material, portable  
Bins, construction material, stationary  
Brooms, contractors rotary  
Buggies and carts, concrete hand operated  
Buggies and carts, concrete power propelled  
Chutes, concrete handling  
Concrete surfacing machines, highway type  
Discs, road, harrow type for construction work  
Discs, road, wheel mounted type  
Distributors, water (street sprinklers and flushers)  
Ditchers, blade  
Dredges and dredge equipment, except mining  
Drilling machines, portable water well, churn drill type  
Earth boring machines, vertical auger type (except post hole diggers)  
Finegraders and subgraders, self-propelled type  
Forms, concrete road  
Graders, blade or pull type earth moving  
Graders, elevating earth moving  
Graders, self-propelled earth moving  
Hoists, contractor and material handling exceeding 6,000 pounds line pull at 250 FPM line speed or exceeding 1,300,000 foot pounds effort based on second wrap of cable  
Hoppers, portable concrete  
Maintainers, road  
Maintainers, shoulder  
Plows, cable laying  
Plows, snow (V and blade types—truck, tractor, grader or railroad mounted, including wings)  
Rollers, road portable  
Rollers, road pneumatic tired  
Rollers, road tandem  
Rollers, road three wheeled  
Rollers, tamping and sheepsfoot  
Scarifiers—complete machines not attachments  
Screening plants, portable type  
Sweepers, street  
Sweepers, street motor pick-up  
Towers, concrete placing  
Towers, material elevating  
Washing and screening plants, portable type

## SCHEDULE D

The manufacture of items of equipment appearing in Schedule D will be discontinued in accordance with paragraph (e) (2).

Any item to the extent prohibited by any schedule to Limitation Order L-217  
Finegraders and subgraders, drawn type  
Graders, under truck type  
Joint levellers  
Scrapers, carrying and hauling, over 15 cu. yd. struck capacity  
Scrapers, drag, fresno and rotary, except those under jurisdiction of Limitation Order L-170

[F. R. Doc. 43-10649; Filed, July 2, 1943; 10:27 a. m.]

PART 1193—COTTON TEXTILE PRODUCTION  
[Supplementary Limitation Order L-99-a, as Amended July 2, 1943]

Supplementary Limitation Order L-99-a is amended to read as follows:

§ 1193.2 *Supplementary Limitation Order L-99-a—(a) 80 squares.* No pro-

ducer or converter of cotton textiles shall sell or deliver any 39" 80/80 4.00 yard print cloth or pro rata widths thereof, gray or finished, except to fill orders bearing a preference rating of AA-5 or better. This restriction shall not apply to off-quality cloth of a combined total not exceeding two (2%) per cent of the producer's or converter's production of the cloth referred to in this paragraph.

(b) *Bandage cloth.* No producer or converter of cotton textiles shall process or convert any 38½" 44/36 8.60 yard or 38½" 44/40 8.20 yard print cloth, or pro rata widths thereof, gray or finished, except to render the same suitable for manufacture into surgical dressings or cheese bandages. No producer, converter, or jobber (one who sells to a manufacturer, or for resale) shall sell or deliver such cloth, knowing or having reason to believe that such cloth will be used other than for manufacture into such dressings or bandages. These restrictions shall not apply to specific orders for delivery to or for the Army or Navy of the United States, the United States Maritime Commission or the War Shipping Administration, or to off-quality cloth of a combined total not exceeding two (2%) per cent of the producer's or converter's production of the cloth referred to in this paragraph.

(c) *Bandage cloth loom assignment.* Any looms which, on July 2, 1943, operated on or were assigned to 38½" 44/36 8.60 yard print cloth or pro rata widths thereof shall not operate on or be assigned to any other construction. Any looms which on July 2, 1943, operated on or were assigned to 38½" 40/32 9.80 yard or 38½" 48/44 7.46 yard print cloths, or pro rata widths thereof, may operate on or be assigned only to one or more of the three constructions mentioned in this paragraph (c), or pro rata widths thereof.

(d) *Diaper cloth.* No person shall sell, deliver, buy or accept any gauze diaper cloth or birdseye diaper cloth, any new product made therefrom or new diapers, knowing or having reason to believe that the same will be used for industrial purposes, and no manufacturer or processor of any product shall use gauze diaper cloth or birdseye diaper cloth, any new product made therefrom or new diapers for industrial purposes. This restriction shall not apply to off-quality cloth of a combined total not exceeding two (2%) per cent of the producer's or manufacturer's production of diaper cloth and diapers.

Issued this 2d day of July 1943.

WAR PRODUCTION BOARD,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 43-10650; Filed, July 2, 1943; 10:27 a. m.]



# Chapter XI—Office of Price Administration

## PART 1389—APPAREL

[Rev. MPR 287]

### MANUFACTURERS' PRICES FOR WOMEN'S, GIRLS', CHILDREN'S AND TODDLERS' OUTERWEAR GARMENTS

Maximum Price Regulation 287<sup>1</sup> is redesignated Revised Maximum Price Regulation 287 and is revised and amended to read as follows:

In the judgment of the Price Administrator it is necessary and proper to establish maximum prices for manufacturers of certain women's, girls', children's, and toddlers' outerwear garments. The maximum prices established by this regulation are, in the judgment of the Price Administrator, generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal Register.\*

§ 1389.351 *Maximum manufacturers' prices for women's, girls', children's, and toddlers' outerwear garments.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised MPR 287, (Manufacturers' Prices for Women's, Girls', Children's, and Toddlers' Outerwear Garments) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: §1389.351 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION NO. 287—MANUFACTURERS' PRICES FOR WOMEN'S, GIRLS', CHILDREN'S, AND TODDLERS' OUTERWEAR GARMENTS

#### ARTICLE I—INTRODUCTION

##### Sec.

1. Scope of this regulation.
2. How to use this regulation.

#### ARTICLE II—MANUFACTURERS OF GARMENTS WHICH WERE COVERED BY MPR 287 PRIOR TO JUNE 29, 1943

3. Spring Pricing Chart.
4. Fall Pricing Chart.
5. Special provisions.

#### ARTICLE III—MANUFACTURERS OF TODDLERS' GARMENTS, OR BLOUSES UNDER SIZE 30 OR SLACKS AND SLACK SUITS

6. Spring Pricing Chart.
7. Explanation of terms used in section 6.
8. Fall Pricing Chart.
9. Manufacturers who did not deliver any toddlers' garments or blouses under size 30, or slacks and slack suits during March 1942.

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 10460, 8 F.R. 323, 492, 859, 1365, 1740, 4514.

#### ARTICLE IV—GENERAL PROVISIONS

##### Sec.

10. Pricing rules.
11. Special provisions for manufacturing-retailers.
12. Manufacturers who cannot price by Rules 1, 2 and 3.
13. Special provisions for manufacturers who have not received acknowledgment of the filing of their pricing charts.
14. How to amend a pricing chart.
15. Prohibitions.
16. Posting of selling price lines by manufacturers.
17. Records.
18. Transfers of business.
19. Invoices, sales slips and receipts.
20. Licenses.
21. Enforcement.
22. Relation of this regulation to other maximum price regulations.
23. Geographical applicability of this regulation.
24. How this regulation may be amended.
25. Definitions.
26. Effective date.
27. Appendix A: What garments must be priced under this regulation.
28. Appendix B: Examples of Pricing Charts.
29. Appendix C: Maximum allowable margins for selling price lines at discounts lower than 8%.
30. Appendix D: Cost records.
31. Appendix E: How manufacturers pricing under Rule 3 find their highest permissible selling price lines for new category numbers.
32. Appendix F: Maximum allowable margins for new manufacturers other than manufacturing-retailers.

#### Article I—Introduction

SECTION 1. *Scope of this regulation.* This regulation tells manufacturers how to find their ceiling prices for the women's, girls', children's and toddlers' outerwear garments which are described and identified by a category number in Appendix A (Sec. 27). A "manufacturer" is a person who sells a garment fabricated by him or by an agent or contractor for him. (Note, however, that the regulation does not apply to sales by custom tailors or dressmakers, who continue to price under sections 2 and 3 of the General Maximum Price Regulation.<sup>2</sup> A "custom tailor" or "dressmaker" is a manufacturer who sells to ultimate consumers, from his own regular establishment, garments he has fabricated to the individual specifications and at the special order of the consumers.)

SEC. 2. *How to use this regulation.* If you have been operating under Maximum Price Regulation 287 prior to June 29, 1943, Article II (below) will tell you about pricing charts for garments which were covered by the regulation prior to that date. If you manufacture toddlers'

<sup>2</sup> 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 6047, 6962.

garments, or blouses under size 30, or slacks and slack suits, you will find information about these garments in Article III. Article IV contains pricing rules and other provisions applicable to all manufacturers.

If prior to June 29, 1943 you did not deliver any garments covered by this regulation, you must not make sales or deliveries until you have received authorization from the OPA to establish your ceiling prices. Section 12 tells how to apply for this authorization.

#### Article II—Manufacturers of Garments Which Were Covered by MPR 287 Prior to June 29, 1943

SEC. 3. *Spring Pricing Chart.* If you have been pricing under Rules 1, 2, 3, 5 or 7 of MPR 287, the pricing chart you filed pursuant to § 1389.353 (a), together with any supplement filed pursuant to Rule 11 (§ 1389.356a (c)), is now called your "Spring Pricing Chart" and is to be used throughout the year. (If you were authorized to establish ceiling prices under Rule 6 or Rule 9 of MPR 287, your Spring Pricing Chart is the OPA order of authorization.)

SEC. 4. *Fall Pricing Chart.* You may have delivered garments during the period between July 1 and November 1, 1942 at selling price lines higher than those listed in your Spring Pricing Chart, or in category numbers not listed in your Spring Pricing Chart. If so, you are permitted to use those Fall selling price lines after June 29, provided you first prepare a Fall Pricing Chart showing each selling price line delivered during that Fall period which is (a) higher than those listed in your Spring Pricing Chart, or (b) in a category number not listed in your Spring Pricing Chart. (Note that "selling price line" is defined in section 7 (a).)

This privilege to use Fall selling price lines does not apply to garments put into process after December 15th (except re-cuts and reorders of garments put into process prior to December 15th) or to any garments delivered after February 1st. (Manufacturing-retailers may substitute March 1st for February 1st.)

The maximum allowable margins for the selling price lines shown on your Fall Pricing Chart are found by selecting either of the following options. (Note, however, that the option selected must be used for all selling price lines and all category numbers in the Fall Pricing Chart. You must also state on the chart the option selected):

*Option 1:* Calculate your maximum allowable margin for each of the higher selling price lines in each category number by adding together all the maximum allowable margins which are listed for that category

number on your Spring Pricing Chart and dividing the total by the number of selling price lines listed on the Spring Pricing Chart for that category number.

*For example:* You listed misses' and juniors' suits (Category No. 7) at \$10.75, \$14.75 and \$16.75 on your Spring Pricing Chart, with maximum allowable margins of 32%, 37% and 36%, respectively. During the period from July 1 to November 1, 1942 you delivered misses' and juniors' suits at \$10.75, \$16.75 and \$22.75. To calculate the maximum allowable margin for \$22.75 suits on your Fall Pricing Chart, you add the maximum allowable margins on the three Spring selling price lines (32%+37%+36%) and divide the sum (105%) by 3. Applying the result (35%) to the \$22.75 selling price line, you find that the minimum allowable cost for your \$22.75 suit is \$14.79 ( $\$22.75 \times 35\% = \$7.96$ ;  $\$22.75 - \$7.96 = \$14.79$ ).

If during the period between July 1 and November 1, 1942 you delivered garments in a category number not listed on your Spring Pricing Chart, calculate your maximum allowable margin for that category number under this option by adding together all the maximum allowable margins for all category numbers listed on your Spring Pricing Chart and dividing the total by the number of selling price lines.

*For example:* On your Spring Pricing Chart you listed Category No. 24 (girls' dresses) in three selling price lines having maximum allowable margins of 32%, 29% and 41%; you also listed Category No. 8 (teen-age suits) in two selling price lines having maximum allowable margins of 34% and 37%. You listed no other category numbers on your Spring Pricing Chart. However, in August 1942 you delivered teen-age dresses (Category No. 23) at \$7.75. Under Option 1 you calculate your maximum allowable margins for these teen-age dresses by adding together all the maximum allowable margins listed on your Spring Pricing Chart for every category number (32%+29%+41%+34%+37%) and dividing the sum (173%) by 5. The result (34.6%) is the maximum allowable margin on your teen-age dresses. Therefore, applying the 34.6% margin to your \$7.75 selling price line, you find that the minimum allowable cost for your \$7.75 teen-age dresses is \$5.07 ( $\$7.75 \times 34.6\% = \$2.68$ ;  $\$7.75 - \$2.68 = \$5.07$ ).

**Option 2:** First calculate the average initial percentage margin taken on each of the Fall selling price lines in each category number (substituting the period between July 1 and November 1, 1942 for March 1942) and then calculate the maximum allowable margins, in accordance with the instructions contained in section 7.

In Appendix B (section 28) you will find forms showing the information which must appear on the Fall Pricing Chart. Two signed copies must be filed with the appropriate district or state office of the OPA; an additional copy must be preserved for your own use.

**Sec. 5. Special provisions—(a) Changed category numbers.** The following manufacturers, before preparing their Fall Pricing Charts, are required to amend their Spring Pricing Charts. Two signed copies of the amended chart must be filed on or before August 5,

1943 with the appropriate district or state office of the OPA; an additional copy must be preserved by the manufacturer for his own use:

(1) **Two-piece dresses.** Every manufacturer who included in his Spring Pricing Chart, in Category Numbers 6 to 10, garments which are properly "two-piece dresses" as defined in Appendix A (section 27) must file an amended Spring Pricing Chart in which two-piece dresses are omitted from Category Numbers 6 to 10 and are included in Category Numbers 21 to 25. These manufacturers must recalculate the average initial percentage margins, maximum allowable margins, and minimum allowable costs of selling price lines in Category Numbers 6 to 10 and 21 to 25 accordingly, by including in their calculations for Category Numbers 6 to 10 only those styles of garments which are properly "suits" as defined in Appendix A (section 27) and by including in their calculations for Category Numbers 21 to 25 those styles of garments which are properly two-piece dresses.

(2) **Snowsuits.** Every manufacturer whose Spring Pricing Chart did not include, in Category Number 27, all snowsuits, in sizes 1 to 6 and in Category Number 28, all snowsuits in sizes 7 to 16 (excluding misses' and junior misses' sizes) must file an amended Spring Pricing Chart in which all those snowsuits are included and appropriate recalculations are made.

(b) **Couturier manufacturers.** Couturier manufacturers are entitled to use maximum allowable margins calculated in accordance with section 7 (c) (3).

(c) **Manufacturers who priced under Rule 5, 6, or 9 of MPR 287 and who during the period between July 1 and October 1, 1942 did not deliver garments which were covered by MPR 287 prior to June 29, 1943.** If you have been pricing under Rule 5, 6, or 9 of MPR 287, and if during the period between July 1 and October 1, 1942 you did not deliver any garments covered by MPR 287 prior to June 29, 1943, you may apply to the appropriate district or state office of the OPA for authorization to establish higher Fall selling price lines. Three copies of this application should be filed, setting forth the following:

(1) Your name and address.  
(2) Category numbers of garments for which you wish to establish higher Fall selling price lines.

(3) Highest Fall selling price lines desired for garments in each category number listed in (2).

The application should also state under which rule of MPR 287 you have been pricing prior to June 29, 1943, and, if you have been pricing under Rule 5,

should contain a list of the names and addresses of your five closest competitors.

**Article III—Manufacturers of Toddlers' Garments, or Blouses Under Size 30, or Slacks and Slack Suits**

**Sec. 6. Spring Pricing Chart.** Before delivering any garments of Category Numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b or 32-39, you must prepare a Spring Pricing Chart for those garments which contains the following:

(a) A list of the category numbers delivered during March 1942.

(b) A list of each of the "selling price lines" delivered during March 1942, in each category number.

(c) The "average initial percentage margin" taken on each selling price line listed in (b).

(d) The "maximum allowable margin" for each selling price line listed in (b).

(e) The "minimum allowable cost" for each selling price line listed in (b).

(f) Your terms of sale for each selling price line listed in (b) (that is, your customary discounts, allowances and trade differentials for each class of purchaser).

**Note:** If a style was actually delivered during March 1942 at a price to your general trade exceeding your selling price line (which is defined in section 7 (a) as the price at which you first offered the style to your general trade on the occasion of its first cutting), you may also list that March price as a selling price line on your Spring Pricing Chart. To distinguish the March price from your first cutting price, you must write the symbol "(M)" in front of it. For a maximum allowable margin you use the maximum allowable margin for the next lower selling price line listed in (b) for the same category number.

*For example:* You listed under (b) and (d) women's slack suits (Category No. 36) at the following selling price lines and maximum allowable margins: \$14.75 with a 46% margin, \$10.75 with a 32% margin, \$3.75 with a 41% margin, and \$5.75 with a 20% margin. You also sold women's slack suits in March 1942 at \$13.75, \$11.75, \$9.75 and \$7.75. Each of these prices may be listed on your Spring Pricing Chart, preceded by the symbol "(M)". The maximum allowable margins for the \$13.75, \$11.75, \$9.75 and \$7.75 selling price lines are 32%, 32%, 41% and 20%, respectively.

You will find a form showing the information which must appear on the Spring Pricing Chart in Appendix B (section 28). Two signed copies must be filed before August 5, 1943 with the appropriate state or district office of the OPA; an additional copy must be preserved for your own use.

**Sec. 7. Explanation of terms used in section 6—(a) "Selling price line"** means the price at which a manufacturer first offered for sale to his general trade a style of garment on the occasion of its first cutting. Subsequent offers to sell, or sales, of the same style at higher

or lower prices are not to be considered as establishing separate selling price lines. Selling prices which differ from the prices customarily established for the general trade because of discounts, allowances, or price differentials for different classes of purchasers do not constitute selling price lines. Sample sales or accommodation sales shall not be considered as establishing a selling price line.

(b) "Average initial percentage margin" is calculated in the following manner:

**Step 1:** Take all styles delivered during March 1942 in each category number and find the "selling price line" (as defined above) for each style.

**Step 2:** Group together all styles which belong in the selling price line for which you are calculating a margin and find the direct cost of each style. "Direct cost" means the cost of materials, trimmings and direct labor, at the time of the first cutting, calculated in accordance with the instructions contained in Appendix D (section 30). Note that the direct cost of each style delivered during March 1942 must be calculated as of the time of the first cutting even if the first cutting of the style was prior to March 1942.

**Step 3:** Find the total direct cost of all styles in the selling price line by adding together the direct costs (Step 2) of each style.

**Step 4:** Find the average cost of garments in the selling price line by dividing the total direct cost (Step 3) by the number of styles in the line.

**Step 5:** Find the average initial dollar margin of garments in the selling price line by subtracting the average cost (Step 4) from the selling price line.

**Step 6:** Divide the average initial dollar margin (Step 5) by the selling price line. The result is the average initial percentage margin.

**Example:** A manufacturer during March 1942 delivered three styles in his \$10.75 selling price line for Category No. 1. After calculating material, trimmings and direct labor costs in accordance with the instructions contained in Appendix D (section 30) he finds that the direct cost of Style 1 was \$8.60, Style 2, \$8.91, and Style 3, \$9.10. The total direct cost of all styles in the selling price line is, therefore, \$26.61. The average cost is \$8.87 (\$26.61 divided by 3). The average initial dollar margin is \$1.88 (\$10.75 less \$8.87), and the average initial percentage margin is 17½% (\$1.88 divided by \$10.75).

(c) "Maximum allowable margin" where the selling price lines have an 8% or higher discount to the general trade.

(1) If a manufacturer's average initial percentage margin on a selling price line is 22% or less, then his maximum allowable margin for that selling price line shall be the same as his average initial percentage margin.

(2) If a manufacturer's average initial percentage margin on a selling price line is higher than 22%, then his maximum allowable margin for that selling price line shall be 90% of his average initial percentage margin or 22%, whichever is higher: *Provided*, That in no event shall his maximum allowable margin for any selling price line be higher than 46%.

(3) *Special provision for couturier manufacturers.* A manufacturer is a "couturier manufacturer" if he meets both of the following conditions: (i) the average of all the average initial percentage margins listed on his Spring

Pricing Chart is higher than 51.1%; (ii) 70% of the selling price lines listed on his Spring Pricing Chart are equal to or higher than the selling price lines listed below:

Category number:	Selling price line
1 and 2.....	\$39.75
3.....	18.75
4.....	16.75
5.....	14.75
6 and 7.....	22.75
8.....	16.75
9.....	14.75
10.....	10.75
11 and 12.....	16.75
13.....	8.75
14.....	7.75
15.....	5.75
16 and 17.....	12.75
18.....	6.75
19.....	4.75
20.....	3.00
21 and 22.....	22.75
23.....	8.75
24.....	4.75
25.....	3.75
26.....	6.75
27.....	10.75
28.....	16.75
29.....	18.75
30.....	8.75
31.....	6.75
32 and 33.....	14.75
34.....	6.75
35.....	3.75
36 and 37.....	22.75
38.....	8.75
39.....	4.75

If a manufacturer is a couturier manufacturer, as above defined, the limitation of all maximum allowable margins to 46% or less shall not apply to his margins; and his maximum allowable margin for each selling price line shall be 90% of the average initial percentage margin for that selling price line.

**Example 1:** If a manufacturer listed five selling price lines on his Spring Pricing Chart, \$45 and \$39.75 for women's coats (Category No. 1), and \$22.75, \$18.75 and \$16.75 for misses' suits (Category No. 7), he is not a couturier, since only 60% of his selling price lines are equal to or higher than the prices listed above for category numbers 1 and 7; and this subparagraph does not apply. None of his maximum allowable margins, therefore, may exceed 46%.

**Example 2:** If a manufacturer has listed on his Spring Pricing Chart average initial percentage margins of 47%, 43%, 56%, 39%, 44%, and 54%, the average of all his average initial percentage margins is only 47.2%, and this subparagraph does not apply to him. Therefore, none of his maximum allowable margins may exceed 46%. His maximum allowable margins are, respectively, 42.3%, 38.7%, 46%, 35.1%, 39.6% and 46%.

**Example 3:** If a manufacturer listed eight selling price lines on his Spring Pricing Chart, \$29.75, \$25, and \$18.75 for women's suits (Category No. 6), \$18.75 and \$16.75 for women's separate jackets (Category No. 11) and \$9.75, \$6.75 and \$5.75 for misses' blouses (Category No. 26), 75% of all his selling price lines are equal to or higher than the selling price lines listed above for the respective category numbers. Therefore, he is a couturier. If, in addition, his average initial percentage margins were 42%, 57%, 39%, 62%, 52%, 49%, 54%, and 59%, then the average of all his average initial percentage margins is 51.75%, and this subparagraph applies. His maximum allowable margins even in those selling price lines whose average initial percentage margins were higher than

51.1% are, therefore, equal to 90% of the average initial percentage margins. Thus, his maximum allowable margins are, respectively, 37.8%, 51.3%, 35.1%, 55.8%, 48.8%, 44.1%, 48.6%, and 53.1%.

(d) "Maximum allowable margin" where the selling price lines are on a discount less than 8% to the general trade. The percentage margins stated in subparagraph (c), (1) and (2) namely 22% and 46%, are to be used only where the selling price lines have an 8% or higher discount to the general trade. If the selling price line is on a net basis or on any discount less than 8%, the percentage margins stated in subparagraph (c), (1) and (2) shall be adjusted as explained in Appendix C (section 29).

(e) "Minimum allowable cost" is calculated by multiplying the selling price line by the maximum allowable margin and subtracting the result from the selling price line.

**Example:** If a manufacturer's maximum allowable margin on his \$10.75 selling price line is 30%, he multiplies \$10.75 by 30% and subtracts the result (\$3.23) from \$10.75. The difference, \$7.52, is the minimum allowable cost.

**SEC. 8. Fall Pricing Chart.** Before delivering any garments of Category Numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b, or 32-39, you must also prepare a Fall Pricing Chart for those garments, following the instructions contained in section 4.

**SEC. 9. Manufacturers who did not deliver any toddler garments, or blouses under size 30, or slacks and slacks suits during March 1942—**(a) *Manufacturers who made no deliveries prior to April 1, 1943 but did make deliveries between April 1 and June 29, 1943.* If you did not deliver any garments in Category Numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b, or 32-39 prior to April 1, 1943, but did deliver garments in those category numbers between April 1 and June 29, 1943, you may, at your option, either file a Spring Pricing Chart or apply to the OPA for authorization to establish maximum prices under section 12.

If you elect to file a Spring Pricing Chart, you use as your base period in preparing the chart the period between (1) the date of your first delivery of garments in a particular category number and (2) June 29, 1943. You must file two signed copies of this Spring Pricing Chart with the appropriate district or state office of the OPA on or before August 5, 1943 and keep an additional copy for your own use. You must also file two signed copies of a statement showing the date of commencement of business, the dates of the first delivery of garments in each category number, and a list of the names and addresses of your five closest competitors.

Even if you have elected to file a Spring Pricing Chart pursuant to the above paragraph, you may still file an application under section 12 for authorization to establish maximum prices, provided you file the application prior to August 15, 1943. The application should contain a statement that the Spring Pricing Chart previously filed is rescinded.

(b) *Manufacturers who delivered garments in March 1943*—(1) *Spring Pricing Chart*. If you did not deliver any garments in Category Numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b, or 32-39, during March 1942, but did deliver garments in those category numbers during March 1943, you use March 1943 as the base period in preparing your Spring Pricing Chart.

(2) *Fall Pricing Chart*. If you did not deliver any garments in Category Numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b, or 32-39 during March 1942, but did deliver garments in those category numbers during the period between July 1 and November 1, 1942, you use that period in preparing your Fall Pricing Chart.

(c) *Manufacturers who did not deliver garments prior to October 1, 1942*. If you did not deliver any garments in Category Numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b, or 32-39 prior to October 1, 1942, you may apply to the appropriate district or state office of the OPA for authorization to establish higher Fall selling price lines. You should include in the application the information required in applications made pursuant to section 5 (c).

(d) *Adjustments of pricing charts*. At any time within 6 months after the filing of a pricing chart prepared pursuant to (a) or (b) above, the OPA may adjust the selling price lines or maximum allowable margins listed thereon.

#### Article IV—General Provisions

SEC. 10. *Pricing rules*—(a) *Rule 1: Sales at selling price lines listed on the pricing chart in effect on the date of delivery*. A manufacturer may sell garments in any selling price line listed on his pricing chart for garments of the same category number, but he may not sell in a selling price line higher than the highest listed on his pricing chart in effect on the date of delivery for garments of the same category number.

Garments of a category number and in a selling price line listed on a manufacturer's pricing chart must contain a direct cost no less than the minimum allowable cost for that category number and selling price line.

For example, if a manufacturer's minimum allowable cost for his \$4.75 selling price line in Category No. 22 is \$3.60, then every garment in Category No. 22 sold in a \$4.75 selling price line must contain a direct cost of \$3.60 or more.

However, a garment which contains the minimum allowable cost may be sold at a lower price than the selling price line.

For example, this same manufacturer may sell a garment in Category No. 22 which contains a direct cost of \$3.60 or more at \$4.50, or at any other price lower than \$4.75. Customary discounts, allowances and trade differentials may not be changed, however, if the change would result in a higher net price.

(b) *Rule 2: Sales at selling price lines different from those listed on the pricing chart*. A manufacturer may, at his option, sell a garment in a selling price line different from those listed on his pricing

chart: *Provided*, The garment contains the minimum allowable cost for the selling price line: *And provided also*, That the selling price line is not higher than the highest selling price line listed on his pricing chart in effect on the date of delivery for a garment of the same category number. The maximum allowable margin for the optional selling price line is the maximum allowable margin listed on the pricing chart for a garment of the same category number in either the next higher or the next lower selling price line, whichever margin is lower. The minimum allowable cost is calculated by multiplying the optional selling price line by the lower maximum allowable margin thus selected and subtracting the result from the optional selling price line.

For example: A manufacturer's Fall Pricing Chart contains selling price lines for misses' coats (Category No. 2) of \$16.75 and \$18.75, having maximum allowable margins of 32% and 36% respectively. If, in October, he chooses to sell misses' coats at \$17.50, he calculates his maximum allowable margin for these \$17.50 coats by taking the lower of the maximum allowable margins listed on his Fall Pricing Chart for his \$16.75 and \$18.75 selling price lines. The maximum allowable margin on his \$17.50 coats is, therefore, 32%; and the minimum allowable cost for such coats is \$11.90 ( $\$17.50 \times 32\% = \$5.60$ ;  $\$17.50 - \$5.60 = \$11.90$ ).

If the manufacturer selects a selling price line lower than the lowest selling price line listed on his Spring Pricing Chart for a garment of the same category number, he must use, as his maximum allowable margin, the maximum allowable margin of that lowest selling price line.

For example: A manufacturer wants to sell misses' dresses (Category No. 22) at \$2.75. The lowest selling price line for misses' dresses listed on his Spring Pricing Chart is \$3.75, and the maximum allowable margin for \$3.75 dresses is 20%. Misses' dresses which he now sells at \$2.75 must contain a minimum allowable cost of \$2.20. ( $\$2.75 \times 20\% = \$0.55$ ;  $\$2.75 - \$0.55 = \$2.20$ ).

(c) *Rule 3: Pricing garments of a category number not listed in the pricing chart in effect on the date of delivery*. A manufacturer who wishes to sell garments of a different category number from those listed on his pricing chart in effect on the date of delivery must price by this rule.

He finds the highest selling price line in which he may sell garments of a new category number by referring to the instructions in Appendix E (section 31). He may then sell garments in the new category number at any selling price line equal to or lower than the highest selling price line so found. He fixes maximum prices for the garments by taking a margin over direct cost no higher than the average of the maximum allowable margins for every selling price line in every category number listed on his Spring Pricing Chart. (The average of the maximum allowable margins is determined by finding the total of all the maximum allowable margins for all selling price lines listed on the Spring Pricing

Chart and dividing the total by the number of selling price lines.)

For example: (a) A manufacturer listed on his Spring Pricing Chart 6 selling price lines, 3 for women's dresses (Category No. 21) having maximum allowable margins of 35%, 32%, and 41%, and 3 for misses' dresses (Category No. 22) having maximum allowable margins of 44%, 37%, and 30%. His maximum allowable margin for garments in a new category number is 36.5%. This is calculated by adding together all the maximum allowable margins on his Spring Pricing Chart ( $35\% + 41\% + 44\% + 32\% + 37\% + 30\% = 219\%$ ) and dividing the sum by 6 ( $219\% \div 6 = 36.5\%$ ).

(b) If the selling price lines listed by the manufacturer in the above example were \$7.75, \$9.75 and \$4.75 for women's dresses, and \$9.75, \$5.75 and \$4.75 for misses' dresses, and he now wishes to make women's coats (Category No. 1), the Table in Appendix E indicates that he would use Group I. He could then sell women's coats in a \$16.75 selling price line. Thus, his minimum allowable cost in that selling price line would be \$10.64. This is calculated by taking a maximum allowable margin of 36½% on the \$16.75 selling price line ( $\$16.75 \times 36.5\% = \$6.11$ ;  $\$16.75 - \$6.11 = \$10.64$ ). He may also sell women's coats at any price lower than \$16.75.

SEC. 11. *Special provisions for manufacturing-retailers*. A "manufacturing-retailer" is a manufacturer who maintains one or more establishments selling at retail, or who otherwise sells substantially all of the garments that he manufactures to ultimate consumers. Manufacturing-retailers must prepare special pricing charts for garments which they sell to ultimate consumers. These charts should include only garments which were delivered to ultimate consumers during the base period. (If other garments were delivered, they are the basis of pricing charts which must be used for sales to persons who are not ultimate consumers.)

In preparing special pricing charts for garments which are sold to ultimate consumers, manufacturing-retailers calculate their maximum allowable margins as follows:

(a) If the average initial percentage margin for a selling price line is 30% or less, the average initial percentage margin is also the maximum allowable margin.

(b) If the average initial percentage margin is higher than 30%, the maximum allowable margin is 97% of the average initial percentage margin or 30%, whichever is higher.

However, a manufacturing-retailer may not under any circumstances sell any garment manufactured by him at a selling price line higher than the highest selling price line listed for a garment of the same category number on his pricing chart in effect on the date of delivery.

No retail establishment maintained by a manufacturing-retailer may sell any garment manufactured by him at a selling price line higher than (1) the highest selling price at which that retail establishment during the appropriate base period under this regulation, delivered a garment of the same category number manufactured by the manufacturing-retailer, or (2) the highest selling price at which that retail establishment may

deliver a garment of the same category number under Rules 1, 2 or 3 of MPR 330, whichever selling price is higher.

**SEC. 12. Manufacturers who cannot price by Rules 1, 2 and 3.** (a) *Manufacturers not in business prior to June 29, 1943.* Except in the case of transfers of business as provided in section 18, a manufacturer who, prior to June 29, 1943, did not deliver garments covered by this regulation may not sell or deliver garments until he has received authorization from the OPA to establish maximum prices. Three signed copies of an application for authorization to establish maximum prices shall be filed with the appropriate district or state office of the OPA, setting forth the following:

- (1) Applicant's name and address.
- (2) Date of commencement of business.
- (3) Names of all owners, officers or principals of applicant.
- (4) Previous business connections of all owners, officers or principals of applicant.
- (5) Category numbers of garments desired to be sold.
- (6) Highest selling price lines for each category number of garments desired to be sold. (These may not be higher than those listed in Appendix E (section 31)).
- (7) Maximum margins desired for each category number and terms of sale.
- (8) A list of the names and addresses of five manufacturers whose methods of operation are most nearly like the methods of operation by which applicant intends to operate.
- (9) Information with regard to the following:
  - (i) Type of trade to which garments are to be distributed (retail stores, mail order houses, etc.).
  - (ii) Proposed method of distribution (showroom sales, traveling salesmen, advertising, etc.).
  - (iii) Proposed methods of manufacturing (contractors, inside shop, section work, piece work, etc.).
  - (iv) Methods of styling (number of designers, etc.). If authorization is given, it will be accompanied by instructions as to a method for establishing maximum prices of the garments to be sold. These instructions may be revised at any time by the OPA.

A maximum allowable margin will not be authorized to any manufacturer, other than a manufacturing-retailer, that is higher than the maximum allowable margins listed in Appendix F (section 32).

(b) *Other manufacturers who cannot price by Rules 1, 2 and 3.* A manufacturer who cannot determine his maximum price under any of the previous sections shall not sell or deliver any garments until he has received specific authorization from the OPA. He shall file with the appropriate district or state office of the OPA three signed copies of an application setting forth in detail the reasons why he cannot price under any of the rules set forth in this regulation, and a statement of the category numbers

and the highest selling price line and maximum allowable margin for each category number that he requests permission to sell.

If the authorization is given it will be accompanied by instructions as to the method of establishing maximum prices. These instructions may be revised at any time by the OPA.

(c) *Changes in ownership of manufacturers who have been granted orders under this section or Rule 6 of Maximum Price Regulation 287.* A manufacturer who has received an order under this section, or under Rule 6 of Maximum Price Regulation 287, authorizing him to establish maximum prices must report any change in ownership to the district or state office of the OPA which granted the order. This report should include the names of any new owners or principals and their previous business connections.

**SEC. 13. Special provision for manufacturers who have not received acknowledgment of the filing of their pricing charts—**(a) *Required pricing charts.* This paragraph applies on and after June 29, 1943 to manufacturers who have not received an acknowledgment from the OPA of the filing of any pricing chart which should have been filed under Maximum Price Regulation 287 prior to June 29, 1943. It also applies on and after August 15, 1943 to manufacturers of garments in Category Numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b and 32-39 who have not received an acknowledgment from the OPA of the filing of both their Spring and Fall Pricing Charts.

These manufacturers must use the appropriate pricing rule in Article IV, except that the maximum allowable margin on every selling price line shall be 15% until the manufacturer has received an acknowledgment from the OPA of the filing of the required pricing charts.

(b) *Optional pricing charts.* This paragraph applies on and after August 1, 1943 to manufacturers who prior to June 29, 1943 received an acknowledgment from the OPA of the filing of their Spring Pricing Charts but have not received an acknowledgment of the filing of their Fall Pricing Charts. Until this acknowledgment has been received, these manufacturers may not sell or deliver any garments (except those in Category Numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b and 32-39 which are provided for in paragraph (a) above) in selling price lines higher than the highest selling price line listed for a garment of the same category number on their Spring Pricing Charts.

**SEC. 14. How to amend a pricing chart.** Any manufacturer who has filed a pricing chart and then finds that the pricing chart filed was incorrect may file two signed copies of an amended pricing chart setting forth the inaccuracies and the reasons therefor. Until he has received an acknowledgment from the OPA of the receipt of this amended pricing chart, however, he shall not sell in a higher selling price line or take a higher

maximum allowable margin than those previously reported.

**SEC. 15. Prohibition.** On and after June 29, 1943, regardless of any contract or other obligation:

(a) No manufacturer shall deliver any garments in a selling price line higher than the highest selling price line listed for a garment of the same category number on his pricing chart in effect on the date of delivery.

(b) No manufacturer shall sell or deliver garments on which he obtains a margin higher than the maximum allowable margins permitted by this regulation.

(c) No manufacturer shall sell or deliver garments at a price higher than the maximum prices fixed by this regulation.

(d) No manufacturer shall change his customary discounts, allowances, or other price differentials if the change would result in a higher net price.

(e) No manufacturer shall make a sale of garments which is conditioned directly or indirectly on the purchase of any other commodity or service. (Matched sets, however, may be sold at a unit price unless the sale is prohibited by any order of the War Production Board.)

(f) No person in the course of trade or business shall buy or receive any garment which was sold in violation of paragraphs (a), (b), (c), (d) or (e) of this section.

(g) No person shall agree, offer, solicit or attempt to do any of the acts prohibited in paragraphs (a), (b), (c), (d), (e) and (f) of this section.

(h) No person shall, for the purposes of evading the price limitations set forth in this regulation, sell, purchase, deliver, contract, deal or otherwise operate with or through any other person under common control with, controlled by, controlling or otherwise affiliated with the seller. No person shall do any other act which directly or indirectly increases the consideration paid for any garment. Any practice which is a device to secure the effect of a higher-than-ceiling price is as much a violation as an outright raising of the maximum price. This applies to devices making use of commissions, services, transportation arrangements, premiums, discounts, special privileges, tying agreements, trade understandings and all similar practices.

**SEC. 16. Posting of selling price lines by manufacturers.** On or before July 10, 1943, every manufacturer must display a statement in a prominent place in his showroom which lists separately the highest selling price lines for each category number shown on his Spring Pricing Chart and on his Fall Pricing Chart, and each category number priced under Rule 3.

**SEC. 17. Records.** Every manufacturer shall maintain and keep available for examination by the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect the records required



by § 1389.8 of Maximum Price Regulation 153, as amended, and by Maximum Price Regulation 287, and also the following records:

(a) *Cutting ticket.* A separate cutting ticket shall be prepared for each cutting of materials which shall contain the following information: (1) date of cutting, (2) style number of garment, (3) number of garments cut, (4) sizes cut, (5) actual yardage used, and (6) piece goods number of the materials used or, if the materials had no piece goods number, the name or quality of materials used and the number of the invoice on which the material was billed.

(b) *Cost record.* Upon each cutting of a style of garment, a manufacturer shall prepare a record showing his cost. This record shall contain at least the information provided for in Appendix D (section 30) and shall be prepared in accordance with the instructions therein set forth.

A manufacturer may, at his option, continue to maintain his records in his customary form: *Provided*, That they contain, on a single record, a summary of all of the information required in Appendix D.

(c) *Purchase record.* A separate record of all purchases by type of material or trimming shall be kept which will indicate the following: (1) firm name of the supplier of materials and trimmings, (2) the date the materials and trimmings were received, (3) invoice number, (4) number of yards, dozens or units received, (5) cost of freight, if freight is borne by manufacturer of garment, (6) gross price of materials and trimmings received, (7) percent and dollar discounts, (8) net price of materials and trimmings received, and (9) net price per yard, dozen or unit of materials and trimmings received.

SEC. 18. *Transfers of business.* (a) If a substantial part of the business, assets or stock in trade of any business shall be or shall have been sold or otherwise transferred after April 28, 1942, and the transferee carries on the business, or continues to deal in the same type of commodities or services, in an establishment separate from any other establishment previously owned or operated by him, the maximum prices of the transferee shall be the same as those to which his transferor would have been subject if no such transfer had taken place, except as provided in paragraphs (b) and (c) of this section, and his obligation to keep records sufficient to verify such prices shall be the same. The transferor shall either preserve and make available, or turn over, to the transferee all records of transactions prior to the transfer, which are necessary to enable the transferee to comply with the record provisions of this regulation.

(b) No person shall buy, sell, transfer, lease or exchange the business, assets or stock in trade of a business for the purpose of securing higher or different selling price lines, higher or more advantageous margins, or for the purpose of

securing any other benefit which may be prohibited to him by this regulation.

(c) If after December 14, 1942 two or more manufacturers merge or combine and continue to operate as one manufacturer, the manufacturer who continues to operate shall establish his price under this regulation as if he were the manufacturer who had the largest dollar volume of sales during the twelve months immediately preceding the combination or merger.

#### SEC. 19. *Invoices, sales slips and receipts*

—(a) *Manufacturers selling to others than ultimate consumers.* Every manufacturer shall, in connection with every sale of garments, except sales to ultimate consumers, deliver an invoice showing: (1) the date, (2) the name and address of the seller and purchaser, (3) the style number of each of the different styles of garments sold, (4) the quantities of each different style of garment sold, (5) the price contracted for or charged by the seller for each different style of garment sold, and (6) all discounts, allowances and other price differentials. Each style sold must be separately itemized. The manufacturer shall keep a duplicate copy of each invoice delivered.

(b) *Manufacturers selling to ultimate consumers.* Every manufacturer selling to ultimate consumers who has customarily given to the ultimate consumer a sales slip, receipt or similar evidence of purchase, shall continue to do so. Upon request from an ultimate consumer, any such seller, regardless of previous custom, shall give the purchaser a receipt showing: (1) the date, (2) the name and address of the seller, (3) the name or description of each garment sold, and (4) the price received for it.

Duplicate copies of all such sales slips, receipts, or similar evidences of purchase shall be kept by the manufacturer.

SEC. 20. *Licenses*—(a) *Licenses required.* A license, as a condition of selling, is hereby required of every manufacturer now or hereafter making a sale of a garment for which a maximum price is established by this regulation. The person whose license is suspended in proceedings under section 205 (f) (2) of the Emergency Price Control Act of 1942 shall not, during the period of suspension, sell any garment as to which his license to sell is suspended.

(b) *Licenses granted.* Every person now or hereafter making a sale of any garment for which a maximum price is established by this regulation or by any amendment thereto (except manufacturing-retailers who are licensed under the General Maximum Price Regulation), is hereby granted a license as a condition of selling such garment. The provisions of this regulation shall be deemed to be incorporated in the license hereby granted, and any violation of any provision so incorporated shall be a violation of the provisions of said license. Such license shall be effective on the effective date of this regulation, or when any such person becomes subject to the provisions

of this regulation, and shall unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, as amended, continue in force as long as such regulation or any amendment or supplement thereto remains in effect.

SEC. 21. *Enforcement.* (a) Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, proceedings for the suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this regulation or any price schedule, regulation or order, issued by the OPA, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest district, state or regional office of the OPA.

SEC. 22. *Relation of this regulation to other maximum price regulations.*—(a) *Maximum Price Regulation 287<sup>2</sup> and 153, as amended.<sup>4</sup>* This regulation shall be considered as an amendment to Maximum Price Regulation 287 and Maximum Price Regulation 153, as amended, for all purposes, except that it shall be known as Revised Maximum Price Regulation 287.

(b) *Maximum Price Regulation 157.<sup>5</sup>* Maximum Price Regulation 157—Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes, shall apply and this regulation shall not apply to garments made according to military specifications and sold, directly or indirectly, to any war procurement agency of the United States.

(c) *Maximum Price Regulation 172.<sup>6</sup>* Maximum Price Regulation 172, Charges of Contractors in Apparel Industry, shall apply and this regulation shall not apply to transactions for which maximum prices are established by Maximum Price Regulation 172.

(d) *Second Revised Maximum Export Price Regulation.<sup>7</sup>* Second Revised Maximum Export Price Regulation shall apply and this regulation shall not apply to sales or deliveries for which maximum prices are established by second Revised Maximum Export Price Regulation.

(e) *General Maximum Price Regulation.<sup>8</sup>* (1) A manufacturer may, at his option, deliver prior to August 15, 1943 any garments in category numbers 5a, 10a, 15a, 20a, 25a, 26a, 26b, and 32-39 at prices no higher than the maximum prices established under the General Maximum Price Regulation. He may also price under the General Maximum Price Regulation garments in those cate-

<sup>2</sup> *Supra*, note 1.

<sup>4</sup> 7 F.R. 4381, 5833, 7010, 7535, 8345, 10031, 8378, 8346, 10031; 8 F.R. 123, 1139, 1334, 2203.

<sup>5</sup> 7 F.R. 4273, 4541, 4613, 5180, 5716, 6004, 6224, 6349, 8 F.R. 3348, 7557.

<sup>6</sup> 7 F.R. 4832, 6634, 8351, 8348, 10384.

<sup>7</sup> 8 F.R. 4132, 5337, 7632.

<sup>8</sup> *Supra*, note 2.

gory numbers delivered prior to September 15, 1943 which are fabricated from materials purchased under written contracts entered into on or before June 1, 1943.

(2) Except as provided in (1) of this paragraph, the General Maximum Price Regulation shall not apply and this regulation shall apply on and after June 29, 1943 to sales and deliveries of the women's, girls', children's and toddlers' outerwear garments for which prices are established by this regulation. However, the following section of the General Maximum Price Regulation is made a part of this regulation, and each seller must comply with it: Federal and State taxes (§ 1499.7).

SEC. 23. *Geographical applicability of this regulation.* This regulation shall be applicable to the continental United States, and to the District of Columbia, but not the territories and possessions of the United States.

SEC. 24. *How this regulation may be amended.* Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1<sup>o</sup> issued by the OPA.

SEC. 25. *Definitions.* (a) "Pricing chart in effect on the date of delivery" means the Spring Pricing Chart alone from February 1st (March 1st for manufacturing-retailers) to June 15th, and the Spring and the Fall Pricing Charts taken together from June 15th to February 1st (March 1st for manufacturing-retailers) except that for garments put into process after December 15th which are not recuts or reorders of garments put into process on or before that date, only the Spring Pricing Chart is in effect.

(b) "Contractor" is defined in Maximum Price Regulation 172.<sup>20</sup>

(c) For the purposes of this regulation, where authorizations are to be granted, or prices are to be adjusted, the references to the OPA shall mean any regional office of the OPA or such other office as may be authorized by order, issued by the appropriate regional office, of the OPA.

(d) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, as amended, and in § 1499.20 of the General Maximum Price Regulation,<sup>21</sup> shall apply to the terms used in this regulation.

SEC. 26. *Effective date.* This Revised Maximum Price Regulation 287 (Sec. 1389.351) shall become effective June 29, 1943.

SEC. 27. *Appendix A: What garments must be priced under this regulation.* This regulation covers the garments listed below, if fabricated from yard goods (including knitted fabrics and laces). It does not cover garments fabricated from materials obtained by the

assignment of an A-2 preference rating by the War Production Board, pursuant to Limitation Order M-207; nor does it cover uniforms and women's work clothing which would ordinarily be purchased only for wear in industrial, commercial, institutional or agricultural occupations. Note, however, that sports wear and utility wear suitable for general use are covered.

(a) *Coats.* "Coats" include all feminine outerwear garments commonly known as coats, usually worn over other outer apparel, untrimmed, trimmed and fur-trimmed, sport and dress, including capes and wraps, but not including rainwear garments or garments made of artificial leather. "Rainwear garments" are those which are commonly regarded as having their chief use as protection against rain.

Category numbers:

- #1—"Women's"—all sizes.
- #2—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.
- #3—"Teen age"—sizes from 10 to 16, inclusive.
- #4—"Girls'"—sizes from 7 to 14, inclusive.
- #5—"Children's"—sizes from 3 to 6, inclusive.
- #5a—"Toddlers'"—sizes from 6 months to 4 years, inclusive.

(b) *Suits.* "Suits" include all two-piece feminine outerwear garments, untrimmed, trimmed and fur-trimmed, consisting of a "separate jacket" and "separate skirt" fabricated of either matching or contrasting material to be sold at a unit price. Two-piece dresses, however, are not included.

Category numbers:

- #6—"Women's"—all sizes.
- #7—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.
- #8—"Teen age"—sizes from 10 to 16, inclusive.
- #9—"Girls'"—sizes from 7 to 14, inclusive.
- #10—"Children's"—sizes from 3 to 6, inclusive.
- #10a—"Toddlers'"—sizes from 6 months to 4 years, inclusive.

(c) *Separate jackets.* "Separate jackets" include all feminine outerwear garments commonly known as jackets which can be opened from neck to hem and which ordinarily are not worn tucked into a skirt, slacks, shorts, etc. Note that this includes ski jackets, skating jackets and other sport jackets. Garments made of artificial leather are, however, excepted. Boleros, jerkins and other garments of the same type are considered to be jackets.

Category numbers:

- #11—"Women's"—all sizes.
- #12—"Misses'" and "jr. misses'"—sizes from 9 to 20, inclusive.
- #13—"Teen age"—sizes from 10 to 16, inclusive.
- #14—"Girls'"—sizes from 7 to 14, inclusive.
- #15—"Children's"—sizes from 3 to 6, inclusive.
- #15a—"Toddlers'"—sizes from 6 months to 4 years, inclusive.

(d) *Separate skirts.* "Separate skirts" include all feminine outerwear garments commonly known as skirts, including skating skirts, but excluding culottes.

Category numbers:

- #16—"Women's"—all sizes.
- #17—"Misses'" and "jr. misses'"—sizes 9 to 20, inclusive.
- #18—"Teen age"—sizes from 10 to 16, inclusive.
- #19—"Girls'"—sizes from 7 to 14, inclusive.
- #20—"Children's"—sizes from 3 to 6, inclusive.
- #20a—"Toddlers'"—sizes from 6 months to 4 years, inclusive.

(e) *Dresses.* "Dresses" include all feminine outerwear garments commonly known as dresses, whether made in one-piece models or in two-piece models consisting of a skirt and a separate blouse, or separate unlined jacket, and sold at a unit price. Such garments include dresses used for street, evening, house or utility wear. Jumpers, pinafores, brunch coats, smocks and similar garments are considered dresses.

Category numbers:

- #21—"Women's"—all sizes.
- #22—"Misses'", and "jr. misses'"—sizes from 9 to 20, inclusive.
- #23—"Teen age"—sizes from 10 to 16, inclusive.
- #24—"Girls'"—sizes from 7 to 14, inclusive.
- #25—"Children's"—sizes from 3 to 6, inclusive.
- #25a—"Toddlers'"—sizes from 6 months to 3 years, inclusive.

(f) *Blouses.* "Blouses" include all feminine outerwear garments, commonly known as blouses or shirtwaists.

Category numbers:

- #26—"Women's" and "misses'"—all sizes.
- #26a—"Teen age" and "girls'"—sizes from 7 to 16, inclusive.
- #26b—"Children's" and "toddlers'"—sizes from 6 months to 6 years, inclusive.

(g) *Snowsuits.* "Snowsuits" include all (1) toddlers' and children's (including boys'), (2) girls' and (3) teen age outerwear garments commonly known as snowsuits or ski suits.

Category numbers:

- #27—"Children's" and "toddlers'" one and two-piece snowsuits (with or without a matching hat)—sizes from 1 to 6, inclusive.
- #28—"Teen age" and "girls'" one and two-piece snowsuits (with or without a matching hat)—sizes from 7 to 16, inclusive.

(h) *Legging sets and separate leggings.* "Legging sets" and "separate leggings" include all (1) toddlers' and children's (including boys'), and (2) girls' outerwear garments commonly known as legging sets and separate leggings, but excluding garments made of artificial leather.

Category numbers:

- #29—Legging sets—sizes from 1 to 14, inclusive.
- #30—Separate leggings—sizes from 1 to 14, inclusive.

(i) *Separate ski pants.* "Separate ski pants" include all (1) toddlers' and children's (including boys'), (2) girls' and (3) teen age outerwear garments commonly known as ski pants.

Category number:

- #31—Separate ski pants—sizes from 1 to 16, inclusive.

<sup>19</sup> 7 F.R. 8961; 8 F.R. 3313, 3533, 6773.

<sup>20</sup> *Supra*, note 6.

<sup>21</sup> *Supra*, note 2.

(j) *Separate slacks.* "Separate slacks" include all women's, girls' and children's outerwear garments commonly known as slacks, and usually cut in the same style as men's trousers, reaching from waist to calf or below and having long loose legs, including slacks with any attached sleeveless bodice commonly known as "overalls" or "jumperalls", but excluding culottes.

**Category numbers:**

- #32—"Women's"—all sizes.  
 #33—"Misses'" and "jr. misses"—sizes from 9 to 20, inclusive.  
 #34—"Teen age" and "girls"—sizes from 7 to 16, inclusive.  
 #35—"Children's" and "toddlers" (including boys', except boys' tailored pants which are covered by MPR 177<sup>12</sup>)—sizes from 6 months to 6 years, inclusive.

(k) *Slack suits.* "Slack suits" include women's, girls' and children's outerwear

garments commonly known as slack suits or slack sets, consisting of a slack and separate jacket, or a slack and separate or attached blouse, sold at a unit price. Garments commonly known as "coveralls" are included.

**Category numbers:**

- #36—"Women's"—all sizes.  
 #37—"Misses'" and "jr. misses"—sizes from 9 to 20, inclusive.  
 #38—"Teen age" and "girls"—sizes from 7 to 16, inclusive.  
 #39—"Children's" and "toddlers" (including boys', except boys' tailored suits which are covered by MPR 177<sup>12</sup>)—sizes from 6 months to 6 years, inclusive.

**SEC. 28. Appendix B: Examples of pricing charts—(a) Spring pricing chart.** This is an example of a Spring Pricing Chart prepared by a manufacturer of women's slacks and slack suits, as directed in section 6.

SPRING PRICING CHARTS

Category number	Selling price line	Terms	Average initial percentage margin	Maximum allowable margin	Minimum allowable cost
36	\$14.75	All terms 8/10/EOM; 15% off for wholesalers	54%	40%	\$7.97
	(M) 13.75			38%	8.25
	(M) 11.75			36%	7.93
	10.75		34.6%	34%	7.31
	(M) 9.75		45.6%	41%	6.75
32	8.75	Net.....		41%	6.16
	7.75			39%	6.29
	5.75		30%	37%	4.60
	3.75		15%	15%	3.19
	4.75	Net, 3/10/EOM, to chains.....	60%	41.8%	2.73
	5.75		45%	33.7%	3.73

Firm Name.....  
 By:..... (Owner, partner or officer)  
 (Signed)

(b) *Fall Pricing Chart—(1) Option 1 chart.* This is an example of a Fall Pricing Chart prepared by a manufacturer who selected Option 1.

FALL PRICING CHART (OPTION SELECTED: 1)

Category number	Fall selling price lines	Terms	Maximum allowable margin	Minimum allowable cost
7	\$18.75	8/10/EOM.....	35%	\$12.19
	22.75	8/10/EOM.....	33%	14.73
22	8.75	8/10/EOM.....	32.75%	6.63
	10.75	8/10/EOM.....	33.75%	7.44

Firm Name.....  
 By:..... (Owner, partner or officer)  
 (Signed)

(2) *Option 2 chart.* This is an example of a Fall Pricing Chart prepared by a manufacturer who selected Option 2:

FALL PRICING CHART (OPTION SELECTED: 2)

Category number	Fall selling price lines	Terms	Average initial percentage margin	Maximum allowable margin	Minimum allowable cost
7	\$18.75	8/10/EOM.....	34%	32.6%	\$13.61
	22.75	8/10/EOM.....	42%	37.6%	14.15
22	8.75	8/10/EOM.....	32%	32.1%	6.47
	10.75	8/10/EOM.....	37%	33.5%	7.17

Firm Name.....  
 By:..... (Owner, partner or officer)  
 (Signed)

**SEC. 29. Appendix C: Maximum allowable margins for selling price lines at discounts lower than 8%.** If the selling price line for which the maximum allowable margin is being calculated is based on discount terms lower than 8%, the following table is to be used to adjust the margin limitations set forth in section 7 (c) (1) and (2):

Terms	Basic margin	Overriding margin
Net.....	15.2	4.13
1.....	16.1	41.5
2.....	16.9	42.1
3.....	17.8	43.6
4.....	18.6	43.2
5.....	19.5	44.8
6.....	20.3	44.9
7.....	21.2	45.4
8 and up.....	22.0	45.0

**SEC. 30. Appendix D: Cost records.—**  
 (a) *Instructions for preparing cost records.* A separate cost record must be kept for each cutting of any garment covered by this regulation. A "cutting" is considered a group of garments of the same style that are put into production as one lot, or on one order, and are completed at approximately the same time. Garments may be considered as in the same cutting even though the size of the lot or order requires the fabric to be physically cut in two or more lays. On second and subsequent cuttings detailed entries are not necessary, except to specify changes in cost which have occurred.

The following items are to be included in the required records:

(1) *Category number.* Section 20 lists forty-six categories. State the number of the category which describes the garment.

(2) *"Selling price line"* should be determined in accordance with section 7 (a).

(3) *Terms of sale.* State the customary discounts offered to each class of trade.

(4) *"Maximum allowable margin"* and *"minimum allowable cost"* are to be calculated as required in section 7.

(5) *Price rule used.* This regulation provides 3 rules for pricing. Record the number of the pricing rule used.

(6) *"Style number of garment and description"* must include an identification of the style and type of garment.

(7) *"Date first cut for stock or order"* shall be the date of the first cutting of the style, excluding the cutting of samples or duplicate samples.

(8) *Cost of materials.* The following data relating to materials cost must be recorded: cutting ticket number or other identification, description of materials used, total number of yards used, net cost per yard, total cost of materials in all garments cut, and the average cost per unit or per dozen garments.

The following instructions relate to calculations of costs of materials:

(i) Total cost of materials shall be calculated at (a) actual net cost of materials, or (b) the maximum price, at the time of cutting, that the regulations of the OPA permit your customary source

<sup>12</sup> 7 F.R. 5182, 7475, 6792, 7100, 7944, 8940, 9000, 8948.

of supply to charge for the materials, whichever of the two is lower.

(ii) Only net cost of materials shall be used in your calculations. Net cost is the amount paid for the materials after deducting all discounts. Incoming transportation on uncut yard goods may be added to net cost if paid by you. Storage, warehousing and insurance charges shall not be included in the cost of materials.

(iii) In no case shall you include in your cost any amount charged or expense established by means of or resulting from a fictitious sale, fictitious billing or fictitious valuation of materials.

(iv) On a cutting where materials consist of lots purchased at different costs, the quantities of materials at each cost shall be calculated in determining the net cost of materials used.

(v) When woolen materials are used, you may add to the cost of materials the actual net cost of shrinking and examining paid by you, but not included as part of the purchase price of the wools. If the woolen fabrics used in the garments were shrunk after purchasing, state the number of yards used and the net cost on the basis upon which you purchased the fabric from your supplier of the material.

(9) *Cost of trimmings.* The following data relating to trimmings cost must be recorded: a description sufficient to identify accurately each trimming and accessory used in the manufacture of the garments (including all work such as pleating, embroidery, fagoting, etc., not performed in your plant), the total quantity used in yards, dozens or units, the net cost per yard, dozen or unit, the total cost of trimmings in all garments cut, and the cost per unit or dozen garments.

The instructions for calculating the net cost of materials shall apply to the calculation of net trimming cost.

(10) *"Direct labor costs"* shall be calculated on the basis of wage rates paid by you on March 31, 1942, plus any subsequent increase thereto pursuant to a collective bargaining contract or other wage agreement, which contract was entered into on or before July 1, 1942, and provides for an unconditional increase of wage rates of a fixed amount or per cent. If you paid wage rates at the time of cutting in excess of the above basis, proper downward adjustments shall be made in calculating the labor costs for the garments. The following additional instructions relate to calculations of direct labor costs:

(i) No make-up or overtime shall be included in calculating labor costs.

(ii) The following operations are examples of what shall be considered direct labor: cutting, pattern grading, marking, assorting or dividing, operating or sewing, pressing or ironing, finishing by

hand, factory examining of garments and similar costs.

(iii) Items of indirect labor or overhead costs shall not be included in calculating the direct labor cost of the garments. Examples of what shall be considered indirect labor are: foremen, floor men, supervisory examination of garments, repairing and maintenance personnel, designers, sample room employees, porters, watchmen, piece goods clerks, buyers, receiving room employees, clerical employees, shipping room employees, etc.

(iv) The following are examples of overhead costs: unemployment insurance, social security, pension contribution, contributions to welfare funds, health or accident insurance, workmen's compensation, and any present or future tax upon, or measured by, wages, etc.

(v) Overhead, administration expenses or factory burden shall not be included in direct cost of the garments. Examples of these are: insurance, storage, warehousing, outgoing freight, transportation to and from contractors, factory supplies, light, power, machine supplies, machine part replacements, and repairs, rent, taxes, etc.

(vi) General administrative expenses shall not be included. Examples of these are: executive and officers' salaries, telephone, telegrams, stationery, printing, postage, traveling expenses, legal and professional fees, donations, etc.

(vii) Contractor's overhead and profit allowance shall not be included in the direct labor cost of the garments. If you have garments produced by contractors, you shall maintain complete records at your principal place of business showing the contractor's costs of direct labor. At manufacturers' request, contractors are required to furnish all data on labor and trimmings costs necessary to enable the manufacturer to prepare the records required by this regulation.

(11) *"Direct cost of each garment"* shall be the total of the material, trimming, and direct labor costs specified above. If the total direct cost of all the garments in a cutting shall be equal to or greater than the sum of the minimum allowable cost for the garment multiplied by the number of garments cut, then for the purpose of this regulation, every garment in that cutting shall be considered to have the minimum allowable cost.

(12) *Size differences.* If a style is manufactured to sell in a size range and garments of the average size in that size range contain the minimum allowable cost, then on subsequent cuttings of that style, garments which are lower in cost than the average size, only because different sizes are cut, shall be considered to have the minimum allowable cost.

(13) *Tolerance.* If a manufacturer finds that his estimated calculations of

the direct cost in a cutting are inaccurate, then for the purposes of this regulation, each garment in that cutting will be deemed to have the minimum allowable cost, if the direct cost is no less than 97% of the minimum allowable cost for that selling price line in that category number.

(14) *Privilege to estimate week-work costs.* A manufacturer may use estimates in calculating the cost of any direct labor operation paid on a time basis if a week-work chart is prepared and kept with the manufacturer's cost records. The estimates shown in the chart are the maximum amounts which may be used in calculating the minimum allowable cost. If a manufacturer finds that his estimates are too low, he may amend his chart by means of a notation on the chart showing the revised estimates and the date of the notation: but the revised estimates may not be regarded as effective for any period prior to the date of the notation.

If the estimate for any craft exceeds the manufacturer's actual direct labor cost, determined by reference to the records of (i) total wages paid to employees in the craft, and (ii) total garments manufactured during an accounting period chosen by the manufacturer and shown on the chart, the manufacturer's actual direct labor cost must be used in determining whether garments contain the minimum allowable cost.

(15) *Week-work chart.* The week-work chart required by the above provision must be prepared in accordance with the following instructions:

(i) Select an accounting period which will enable you reasonably to test the accuracy of your estimates, by reference to records showing your total payroll and total production. This period may not exceed five months. The first period may begin on any date after December 14, 1942; but if the chart is prepared after April 24, 1943, the first period must begin on the date of preparation.

(ii) Then list the crafts which you pay on a time basis and determine what a fair estimate of your direct labor cost (per unit or per dozen), by craft, would be for the accounting period specified. For example, your past experience may show that for such a period your cutting averages 10¢ per unit, your sewing 65¢, your finishing 20¢ and your pressing 15¢.

(iii) The use of one estimate for each craft, regardless of category numbers and selling price lines, is permissible. For example, your past experience may show that an estimate of 10¢ for cutting could be used for all your garments. However, estimates for different category numbers and selling price lines, are also permissible.

For example: Your past experience may show that cutting for women's suits (Category No. 6) costs more than for women's dresses (Category No. 21), and that cutting

for \$8.75 dresses costs more than for \$3.50 dresses. Your cutting estimates might be 14¢ for suits, 12¢ for \$8.75 dresses and 7¢ for \$3.50 dresses.

(iv) Your week-work chart must be kept with your cost records and must show each estimate, the length of your accounting period and the date set as the beginning of the first period. The amounts shown in the chart are the most that can be used for the crafts listed in determining whether your garments contain the minimum allowable cost.

For example: If your week-work chart shows a 10¢ estimate for cutting, and if your minimum allowable cost on a certain line is \$3.12, garments in that line must contain at least \$3.02 in addition to the cutting cost. If you find that your estimate was too low, and that 12¢ would be a fairer figure for cutting, you may not use 12¢ in your cost records until you have amended your chart by means of a notation in the chart showing the revised estimate (12¢) and the date of the notation. The revised estimate may be used only for garments cut after the date of the notation.

(v) At the close of each accounting period you must calculate and record in the chart your actual direct labor cost, determined by reference to the records of (a) total wages and (b) total garments manufactured. The records must

be broken down in the same way as your estimates.

For example: If you have used only one cutting estimate for all category numbers and all selling price lines, you merely divide your cutters' payroll by the number of garments cut. On the other hand, if you have used cutting figures of 14¢ for suits, 7¢ for \$3.50 dresses and 12¢ for \$8.75 dresses, your records must show the relation between the cutters' payroll and the number of suits, \$3.50 dresses and \$8.75 dresses produced.

(vi) At the close of each accounting period you must also record your estimate for the next accounting period, on a different line in the chart, or on a new chart. If your payroll and production records for the old period show that your estimate for that period was too high, you should revise your estimate for the new period accordingly.

(vii) You may alter the length of your accounting period if the new period begins on the day following the last day of the period specified in your chart and does not exceed five months, and if you prepare a new chart. The old chart must be preserved.

(viii) Your week-work chart must be prepared in the following form: (Copies will not be furnished by the OPA).

#### WEEK-WORK CHART

Firm Name.....  
Address.....  
Week-work estimates and costs per ..... garments for accounting periods  
(unit or dozen)  
of ..... months.  
(specify)

Date estimates were prepared	Category number	Selling price line	Crafts paid on a time basis									
			Cutting		Operating or sewing		Finishing		Pressing or ironing		Other (specify)	
			Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual	Estimate	Actual
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

(b) Together with the cost record shall be kept a record of each cutting, showing the date of the cutting, the total number of garments cut, and the actual yardage used.

(c) A suggested form for keeping the

cost records required by section 17 is set forth below. A manufacturer may, at his option, continue to keep his customary records, provided all the information required by this section is summarized in one record.

#### SUGGESTED COST RECORD FORM FOR MANUFACTURERS OF WOMEN'S, MISSES' AND CHILDREN'S OUTERWEAR GARMENTS

[This form may be duplicated. Copies will not be furnished by the Office of Price Administration]

Category number.....	Style number of garment.....
Selling price line \$... per unit (...) doz. (...)	Description.....
Terms of sale.....	Size range cut.....
Maximum allowable percentage margin.....	Date first cut for stock or order.....
Minimum allowable cost, \$.....	
Price rule used, #.....	

Data for cutting recorded below:

Date of cutting..... Number of garments cut.....  
Cost data below were based on: (check one) per unit (...) per dozen garments (...).



**I. Cost of materials:**

[illegible]

## II. Costs of trimmings:

[illegible]

**III. Direct labor costs:**

	Check one		Cost per unit or dozen
	Piece work	Week work	
Cutting.....			
Operating or sewing.....			
Pressing or ironing.....			
Finishing by hand.....			
All other direct labor listed by craft or operation:			
.....			
.....			
.....			
Total direct labor costs per unit or dozen garments.....			
IV. Total direct cost per ..... garments.....			
(Unit or dozen)			

SEC. 31. *Appendix E: How manufacturers pricing under Rule 3 find their highest permissible selling price lines for new category numbers—(a) Instructions.* (1) The table in paragraph (b) of this appendix contains several groups of selling price lines. Each group includes one selling price line for each category number covered by the regulation.

To find your highest permissible selling price line for garments of a category number not listed on your pricing chart in effect on the date of delivery, you start with the selling price line included in Group A for that category number and run your finger across the table until

you come to the group which gives you the highest price for that new category number but still includes a selling price line for an old category number listed on your pricing chart in effect on the date of delivery. You may price a garment in a new category number at the selling price line shown in the proper group or at any lower selling price line.

*For example:* a dress manufacturer wants to go into the coat business. The highest selling price lines listed on his Spring Pricing Chart are \$5.60 for women's dresses (Category No. 21) and \$3.75 for misses' and juniors' dresses (Category No. 22). To find his highest permissible selling price line for women's coats (Category No. 1), he starts with the \$4.75 selling price line included in Group A

for women's coats and runs his finger across the table until he comes to Group H. Group H gives him a women's coat price of \$14.75 to correspond with his women's dress price of \$5.50. He may not go higher than \$14.75 because none of the groups above Group H includes a selling price line listed on his pricing chart for an old category number. Note, however, that he doesn't have to stop at Group F, which includes his \$3.75 price for misses' and juniors' dresses, because he is entitled to use the highest group which includes any of his category numbers. He may use Group H for misses' and juniors' coats (Category No. 2) and for any other category number not listed on his pricing chart in effect on the date of delivery. He may also sell garments in new category numbers of any price lower than those listed in Group H.

Suppose this manufacturer had a \$8.75 selling price line for women's dresses on his Fall Pricing Chart. In that case he would be permitted to go to Group J, which gives him a women's coat price of \$19.75, during the period when his Fall Pricing Chart is in effect.

There are two exceptions: (1) If the selling price line (for an old category number) which gives you the highest selling price line for the new category number is not listed in the table, you use the group which has the next lower selling price line for an old category number.

For example, if the dress manufacturer discussed in the previous example had a \$6.75 selling price line listed in his Spring Pricing Chart for women's dresses, he still uses Group H (because no group contains a \$6.75 price for women's dresses, and Group H has the next lower price).

Similarly, if a manufacturer of better dresses wants to go into the coat business, he cannot go beyond Group O even though his chart contains selling price lines for women's dresses higher than \$19.75.

(ii) If the selling price line (for an old category number) which gives you the highest selling price line for the new category number appears in more than one group, you use the lowest group.

For example, a children's dress manufacturer wants to go into the blouse business. The highest selling price line listed in his pricing chart is  $\$1.87\frac{1}{2}$  for children's dresses. He uses Group F, which gives him a girls' blouse price of  $\$1.31\frac{1}{4}$ . He cannot use Group G or Group H, although children's dresses at  $\$1.87\frac{1}{2}$  appear in both of those groups, because Group F is lower.

(2) Use Column II in each group for all garments except suits, jackets, skirts or slacks which are fabricated from materials other than pile fabrics or woolsens. For those garments use Column I. (A "pile fabric" is a three dimensional fabric composed of backing warp, filling and pile warp woven at right angles to the backing warp and filling. A "woolen" is a fabric containing 25% or more new, reused or processed wool.)

(3) Any manufacturer may use the selling price lines included in Group A for category numbers not listed on his pricing chart in effect on the date of delivery.

(b) Table of permissible selling pricelincs for new category numbers.

Category No.	Garments	Group A		Group B		Group C		Group D		Group E		Group F		Group G		Group H	
		I	II	I	II	I	II	I	II	I	II	I	II	I	II	I	II
COATS																	
1	"Women's"-----		\$4.75		\$5.75		\$6.75		\$7.75		\$8.75		\$10.75		\$12.75		\$14.75
2	"Misses" and "Jr. misses"-----		4.75		5.75		6.75		7.75		8.75		10.75		12.75		14.75
3	"Teen age"-----		3.75		4.75		4.75		7.75		8.75		7.75		8.75		10.75
4	"Girls"-----		3.75		3.75		4.75		4.75		4.75		6.75		7.75		8.75
5	"Children's"-----		2.75		2.75		3.75		3.75		4.75		4.75		5.75		6.75
5A	"Toddlers"-----		2.50		2.50		2.75		2.75		3.75		3.75		4.75		5.75
SUITS																	
6	"Women's"-----	\$1.87½	4.75	\$2.25	5.75	\$2.25	6.75	\$2.67½	7.75	\$3.10	8.75	\$3.75	10.75	\$4.75	12.75	\$5.10	14.75
7	"Misses" and "Jr. misses"-----	1.87½	4.75	2.25	5.75	2.25	6.75	2.67½	7.75	3.10	8.75	3.75	10.75	4.75	12.75	5.10	14.75
8	"Teen age"-----	1.31¼	3.75	1.31¼	4.75	1.87½	4.75	1.87½	5.75	2.10	6.75	2.10	7.75	3.00	8.75	3.75	10.75
9	"Girls"-----	.87½	3.75	1.31¼	3.75	1.31¼	4.75	1.31¼	4.75	1.87½	5.75	1.87½	6.75	2.10	7.75	3.00	8.75
10	"Children's"-----	.87½	2.75	.87½	2.75	1.00	3.75	1.31¼	3.75	1.31¼	4.75	1.87½	4.75	1.87½	4.75	1.87½	4.75
10A	"Toddlers"-----	.68¾	2.50	.68¾	2.50	.87½	2.75	1.00	2.75	1.25	2.75	1.31¼	3.75	1.31¼	3.75	1.87½	3.75
JACKETS																	
11	"Women's"-----	1.31¼	2.75	1.31¼	2.75	1.87½	3.75	2.10	3.75	2.10	4.75	2.10	4.75	3.00	5.75	3.00	6.75
12	"Misses" and "Jr. misses"-----	1.31¼	2.75	1.31¼	2.75	1.87½	3.75	2.10	3.75	2.10	4.75	2.10	4.75	3.00	5.75	3.00	6.75
13	"Teen Age"-----	.87½	2.50	.87½	2.50	1.31¼	3.00	1.31¼	3.00	1.31¼	3.75	1.87½	3.75	1.87½	4.75	2.10	5.75
14	"Girls"-----	.87½	2.50	.87½	2.50	.87½	2.50	.87½	2.50	1.31¼	3.00	1.31¼	3.00	1.31¼	3.75	1.87½	4.75
15	"Children's"-----	.68¾	1.31¼	.68¾	1.87½	.87½	1.87½	.87½	1.87½	.87½	2.10	1.31¼	2.10	1.31¼	3.00	1.31¼	3.00
15a	"Toddlers"-----	.64½	.87½	.64½	1.31¼	.68¾	1.31¼	.68¾	1.31¼	.68¾	1.87½	.87½	1.87½	.87½	2.10	1.31¼	2.10
SHIRTS																	
16	"Women's"-----	1.31¼	1.37½	1.31¼	1.37½	1.31¼	1.87½	1.31¼	1.87½	1.87½	2.10	1.87½	3.00	1.87½	3.75	1.87½	4.75
17	"Misses" and "Jr. misses"-----	1.31¼	1.31¼	1.31¼	1.31¼	1.31¼	1.87½	1.31¼	1.87½	1.87½	2.10	1.87½	3.00	1.87½	3.75	1.87½	4.75
18	"Teen Age"-----	.87½	1.31¼	.87½	1.31¼	.87½	1.31¼	.87½	1.87½	1.31¼	2.10	1.31¼	2.10	1.31¼	3.00	1.31¼	3.75
19	"Girls"-----	.68¾	1.31¼	.68¾	1.31¼	.68¾	1.31¼	.68¾	1.31¼	.87½	1.87½	.87½	1.87½	1.31¼	2.10	1.31¼	3.00
20	"Children's"-----	.68¾	.87½	.68¾	.87½	.68¾	1.31¼	.68¾	1.31¼	.87½	1.31¼	.87½	1.50	.87½	1.50	.87½	1.87½
20a	"Toddlers"-----	.64½	.68¾	.64½	.68¾	.64½	1.00	.68¾	1.00	.68¾	1.25	.68¾	1.31¼	.68¾	1.31¼	.87½	1.50
DRESSES																	
21	"Women's"-----		1.87½		2.25		2.25		2.67½		3.10		3.75		4.75		5.50
22	"Misses" and "Jr. misses"-----		1.87½		2.25		2.25		2.67½		3.10		3.75		4.75		5.50
23	"Teen Age"-----		1.31¼		1.31¼		1.87½		1.87½		2.10		2.10		3.00		3.75
24	"Girls"-----		.75		1.31¼		1.31¼		1.31¼		1.87½		1.87½		2.10		3.00
25	"Children's"-----		.75		.87½		1.00		1.31¼		1.31¼		1.87½		1.87½		1.87½
25a	"Toddlers"-----		.68¾		.68¾		.87½		1.00		1.25		1.31¼		1.31¼		1.87½
BLOUSES																	
26	Sizes 30 and up-----		.68¾		.87½		1.00		1.31¼		1.31¼		1.87½		1.87½		2.00
26a	Sizes 7 to 16-----		.68¾		.68¾		.87½		.87½		1.00		1.31¼		1.31¼		1.50
26b	Sizes 1 to 6-----		.64½		.64½		.68¾		.68¾		.68¾		.87½		.87½		1.00
SNOW SUITS																	
27	Sizes 1 to 6-----		2.00		2.00		2.75		3.75		3.75		4.75		4.75		5.75
28	Sizes 7 to 16-----		3.00		3.75		4.75		4.75		5.75		6.75		7.75		8.75
29	Legging sets (sizes 1 to 14)-----		3.75		3.75		4.75		5.75		6.75		6.75		7.75		8.75
30	Separate leggings (sizes 1 to 14)-----		1.37½		1.37½		1.75		1.75		2.00		2.00		2.50		2.50
31	Ski pants (sizes 1 to 16)-----		1.37½		1.37½		1.37½		2.00		2.00		2.00		2.50		3.00
SLACKS																	
32	"Women's"-----	1.31¼	2.00	1.87½	2.00	1.87½	2.50	1.87½	2.50	1.87½	3.00	2.10	3.75	2.10	4.75	3.00	5.75
33	"Misses" and "Jr. misses"-----	1.31¼	1.87½	1.87½	1.87½	1.87½	2.50	1.87½	2.50	1.87½	3.00	2.10	3.75	2.10	4.75	3.00	5.75
34	"Teen Age" and "Girls"-----	.87½	1.87½	1.00	1.87½	1.00	2.50	1.31¼	2.50	1.31¼	3.00	1.31¼	3.75	1.87½	3.75	1.87½	4.75
35	"Child's" and "Toddlers"-----	.64½	1.00	.68¾	1.00	.68¾	1.31¼	.87½	1.31¼	.87½	1.50	1.00	1.87½	1.31¼	1.87½	1.31¼	2.00
SLACK SUITS																	
36	"Women's"-----		1.87½		2.00		3.00		3.75		4.75		5.75		5.75		6.75
37	"Misses" and "Jr. misses"-----		1.87½		2.00		3.00		3.75		4.75		5.75		5.75		6.75
38	"Teen Age and Girls"-----		1.00		1.31¼		1.87½		2.50		2.50		3.00		3.75		3.75
39	"Child's and Toddlers"-----		.68¾		1.00		1.31¼		1.31¼		1.87½		2.50		2.50		3.00

Table of permissible selling price lines for new category numbers—Continued

Category No.	Garments	Group I		Group J		Group K		Group L		Group M		Group N		Group O		Group P		Group Q	
		I	II	I	II	I	II	I	II	I	II	I	II	I	II	I	II	I	II
	COATS																		
1.	"Women's"-----		\$16.75		\$19.75		\$22.75		\$24.75		\$29.75		\$32.75		\$39.75		\$42.75		\$45.00
2.	"Misses" and "Jr. Misses"-----		16.75		19.75		22.75		24.75		29.75		32.75		39.75		42.75		45.00
3.	"Teen age"-----		12.75		14.75		16.75												
4.	"Girls"-----		10.75		12.75		14.75												
5.	"Children's"-----		8.75		10.75		12.75												
6.a.	"Toddlers"-----		6.75		8.75		10.75												
	SUITS																		
6.	"Women's"-----	\$6.75	16.75	\$8.75	19.75	\$10.75	22.75	\$12.75	24.75	\$14.75	26.75	\$16.75	29.75	\$19.75	29.75		29.75		29.75
7.	"Misses" and "Jr. Misses"-----	6.75	16.75	8.75	19.75	10.75	22.75	12.75	24.75	14.75	26.75	16.75	29.75	19.75	29.75		29.75		29.75
8.	"Teen Age"-----	4.75	12.75	5.75	12.75	6.75	12.75												
9.	"Girls"-----	3.75	10.75	3.75	10.75	4.75	10.75												
10.	"Children's"-----	2.50	5.75	3.00	6.75	3.75	8.75												
10.a.	"Toddlers"-----	2.00	4.75	2.50	5.75	3.00	6.75												
	JACKETS																		
11.	"Women's"-----	3.75	7.75	4.75	8.75	4.75	10.75	5.75											
12.	"Misses" and "Jr. Misses"-----	3.75	7.75	4.75	8.75	4.75	10.75	5.75											
13.	"Teen Age"-----	3.00	5.75	3.00	6.75	3.75	6.75												
14.	"Girls"-----	2.50	4.75	2.50	5.75	2.50	5.75												
15.	"Children's"-----	1.87½	3.75	1.87½	4.75	2.50	4.75												
15.a.	"Toddlers"-----	1.31¼	3.00	1.87½	3.75	1.87½	3.75												
	SKIRTS																		
16.	"Women's"-----	2.50	4.75	2.50	5.75	3.00	6.75	3.75											
17.	"Misses" and "Jr. Misses"-----	2.50	4.75	2.50	5.75	3.00	6.75	3.75											
18.	"Teen Age"-----	1.31¼	3.75	1.87½	4.75	2.50	4.75												
19.	"Girls"-----	1.31¼	3.00	1.31¼	3.00	1.87½	3.75												
20.	"Children's"-----	.87½	1.87½	1.31¼	2.00	1.31¼	2.00												
20.a.	"Toddlers"-----	.87½	1.50	1.00	1.87½	1.31¼	2.00												
	DRESSES																		
21.	"Women's"-----		6.75		8.75		10.75		12.75		14.75		16.75		19.75				
22.	"Misses" and "Jr. Misses"-----		6.75		8.75		10.75		12.75		14.75		16.75		19.75				
23.	"Teen Age"-----		4.75		5.75		6.75												
24.	"Girls"-----		3.75		3.75		4.75												
25.	"Children's"-----		2.50		3.00		3.75												
25.a.	"Toddlers"-----		2.00		2.50		3.00												
	BLOUSES																		
26.	Sizes 30 and up-----		2.50		3.00		3.75		4.75		5.75		6.75						
26a.	Sizes 7 to 16-----		1.87½		2.00		2.50		3.00										
26b.	Sizes 1 to 6-----		1.00		1.31¼		1.50		1.87½										
	SNOWSUITS																		
27.	Sizes 1 to 6-----		6.75		7.75		8.75												
28.	Sizes 7 to 16-----		9.75		10.75		12.75												
29.	Legging sets (sizes 1 to 10)-----		10.75		12.75		14.75												
30.	Separate leggings (sizes 1 to 10)-----																		
31.	Ski pants (sizes 3 to 16)-----		3.00		3.75		4.75												
	SLACKS																		
32.	"Women's"-----	3.00	6.75	3.75	7.75	4.75	8.75	5.75	10.75	6.75	12.75	8.75							
33.	"Misses" and "Jr. Misses"-----	3.00	6.75	3.75	7.75	4.75	8.75	5.75	10.75	6.75	12.75	8.75							
34.	"Teen age and girls"-----	2.50	4.75	2.50	4.75	3.00	5.75	3.75	6.75										
35.	"Children's and toddlers"-----	1.50	2.50	1.87½	2.50	1.87½	3.00	2.50	3.75										
	SLACK SUITS																		
36.	"Women's"-----		7.75		8.75		10.75		12.75		14.75		16.75						
37.	"Misses" and "Jr. Misses"-----		7.75		8.75		10.75		12.75		14.75		16.75						
38.	"Teen age and girls"-----		4.75		5.75		6.75												
39.	"Child's and toddlers"-----		3.75		3.75														

SEC. 32. Appendix F: Maximum allowable margins for new manufacturers other than manufacturing-retailers. (a) The maximum allowable margins which may be authorized for any manufacturer under section 12 shall be as follows:

Categories of garments	Maximum allowable margin (percent)
Category Nos. 1 to 20a, both inclusive:	
All selling price lines.....	32
Category Nos. 21 and 22:	
Selling price lines to and including \$3.75.....	27

#### Categories of garments

Category Nos. 21 and 22—Continued:	
Selling price lines above \$3.75 to and including \$5.75.....	31
Selling price lines over \$5.75.....	36
Category Nos. 23, 24, 25 and 25a:	
All selling price lines.....	34
Category Nos. 26, 26a and 26b:	
All selling price lines.....	34
Category Nos. 27 to 31, both inclusive:	
All selling price lines.....	32

These maximum allowable margins shall not apply to manufacturing-retailers.

Maximum allowable margin (percent)

(b) Those margins are to be applied to selling price lines based on 8% or higher discount terms. If the discount terms are less than 8%, appropriate adjustments will be made in the margins listed in this section.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This regulation shall become effective June 29, 1943.

Issued this 29th day of June 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-10478; Filed, June 29, 1943;  
4:34 p. m.]

**PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT**

[MPR 200, Amdt. 9]

**RUBBER HEELS, RUBBER HEELS ATTACHED AND ATTACHING OF RUBBER HEELS**

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Section 1315.1420 (g) (5) is amended by adding the following brand of heel and manufacturer's name in the table in such a manner that the brand of heel will appear alphabetically: "Verticord" and "O'Sullivan Rubber Company."

This amendment shall become effective July 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of July 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-10626; Filed, July 1, 1943;  
3:34 p. m.]

**PART 1351—FOOD AND FOOD PRODUCTS**

[MPR 417]

**FEED SCREENINGS**

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, as amended and Executive Orders 9250 and 9328, that maximum prices for the sale or delivery of feed screenings be established by a maximum price regulation to replace the maximum prices established for the sale or delivery of said commodity under the General Maximum Price Regulation.

The maximum prices established by this maximum price regulation are generally fair and equitable and will effectuate the purposes of the said Act, as amended, and of said Executive Orders. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\* So far as practicable the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation.

§ 1351.359 *Maximum prices for feed screenings.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended, and Executive Orders 9250 and

9328, Maximum Price Regulation No. 417 (Feed Screenings), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.359 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

**MAXIMUM PRICE REGULATION 417—FEED SCREENINGS**

**CONTENTS**

**Sec.**

1. Prohibition against sales above the maximum prices.
2. Less than maximum prices.
3. Applicability.
4. Definitions.
5. Maximum prices of producers.
6. Maximum grinder's service charge.
7. Maximum commission merchant's service charge.
8. Maximum prices for jobbers.
9. Maximum prices for wholesalers.
10. Maximum prices for retailers.
11. Maximum prices for truckers.
12. Sales sacked.
13. Maximum price where different lots of feed screenings are confused.
14. Prohibition on cumulative markups.
15. Records.
16. Enforcement.
17. Adjustable pricing.
18. Protests and petitions for amendment.

**SECTION 1. Prohibition against sales above the maximum prices.** While this regulation is in effect, regardless of any contract, agreement or other obligation, no person to whom this regulation is applicable shall sell, offer for sale, or delivery, any feed screenings at prices higher than the maximum prices specified in this Maximum Price Regulation No. 417, and no person in the course of trade shall buy, solicit or receive any such feed screenings at a price higher than the maximum prices specified in this Maximum Price Regulation No. 417; and no person shall agree, solicit or attempt to do any of the foregoing.

**SEC. 2. Less than maximum prices.** Lower prices than those provided for in this Maximum Price Regulation No. 417 may be charged, demanded, paid or offered.

**SEC. 3. Applicability.** (a) This regulation applies to all sales and deliveries, whether for immediate or future delivery, within the 48 States and the District of Columbia of domestic and imported feed screenings.

(b) This regulation shall have no application to oleaginant screenings used for oil extraction purposes, nor to cracked or broken grain by-product containing 15 per cent or less of foreign material or weed seed, nor to screenings from beans, peas and lentils.

**SEC. 4. Definitions.** (a) When used in this regulation:

(1) "Person" includes any individual, corporation, partnership, association or other organized group of persons or the legal successor or representative of any of the foregoing and includes the United States or any other government and any political subdivision or agency of any of the foregoing.

(2) "Feed screenings" consist of materials obtained in the process of cleaning grain or seed and for which no official grain or seed standards have been

promulgated by the Secretary of Agriculture pursuant to the United States Grain Standards Act.

(3) "Oleaginant screenings" include all oil bearing screenings obtained in the manner above described.

(4) "Jobber" is a person who has an established place of business for the buying and/or selling of feed screenings therein and therefrom and who buys feed screenings and resells the same without unloading into a warehouse. A producer selling at a point other than the plant where the feed screenings in question is produced may be a jobber.

(5) "Producer" is a person producing ground or unground feed screenings.

(6) "Commission merchant" is a person who arranges for the inspection and weighing of feed screenings and who negotiates the first sale thereof on an organized grain exchange in one of the following cities, to wit:

Amarillo, Tex.	Dallas, Tex.
Chicago, Ill.	Fort Worth, Tex.
Peoria, Ill.	Sioux City, Iowa
Minneapolis, Minn.	Atchison, Kans.
Kansas City, Mo.	Hutchinson, Kans.
Omaha, Nebr.	Salina, Kans.
St. Joseph, Mo.	Wichita, Kans.
St. Louis, Mo.	Buffalo, N. Y.
Indianapolis, Ind.	Baltimore, Md.
Duluth, Minn.	Philadelphia, Pa.
Toledo, Ohio	Milwaukee, Wis.
Elmd, Okla.	Denver, Colo.

(7) "Wholesaler" is a person who has a warehouse or other established place of business for the storage and/or buying and selling of feed screenings therein and therefrom and who buys feed screenings, unloads his purchase before resale, and resells the same except at retail. It includes a producer so selling feed screenings from such a place of business not located at the plant where said feed screenings were produced.

(8) "Retailer" is a person who has a store or other established place of business for the storage and/or buying and selling of feed screenings therein and therefrom and who sells feed screenings to a feeder. It includes a producer so selling feed screenings to a feeder from the plant where said feed screenings were produced or from another established place of business not located at his mill.

(9) "Feeder" is a person who feeds feed screenings to livestock.

(10) "Grinder" is a person who produces ground feed screenings from unground feed screenings.

(11) "Trucker" is a person engaged in the transportation of feed screenings by truck but who does not have an elevator, warehouse, store, office or other established place of business for the storage and/or buying and selling of feed screenings therefrom or therein.

(12) "Transportation charges" mean:

(i) The lowest common carrier rate including the 3 per cent provided for in section 620 of the Revenue Act of 1942, as amended, for the billing or shipment in question; or (ii) if there is no such rate, the reasonable value of the service (including said 3 per cent tax, if any) not exceeding any maximum prices established therefor.

\*Copies may be obtained from the Office of Price Administration.

18 F.R. 1461, 4917, 6842.

(b) This regulation in speaking of sales or purchases at a given point means that the purchaser shall receive manual delivery of the feed screenings in question at said point. If the feed screenings in question is physically located at said point at the time of sale and there delivered to said purchaser (sometimes referred to as a sale *i. o. b.* said point), the purchaser may thereafter arrange and pay (in addition to the maximum price for the feed screenings at said point) for its transportation elsewhere; and the purchaser may engage the seller as his agent to procure such transportation. If the feed screenings in question is not physically located at said point at the time of the sale, the maximum price shall include and cover all transportation charges required to effectuate such a delivery of said feed screenings to the purchaser at said point. Thus if the buyer pays the seller the full maximum price, the seller must secure and pay all said transportation charges required to effectuate such a delivery to said purchaser at said point; and if this is not done, there has been a violation of this regulation. If the buyer pays any part of said transportation charges required to effectuate such a delivery as aforesaid, all said transportation charges so paid by the buyer must be deducted from the said maximum price to determine the amount the seller may actually receive in such a case; and if such deduction is not made, there has been a violation of this regulation.

(c) The weights per bushel mentioned in section 5 hereof are to be determined in the manner prescribed in the Handbook of Official Grain Standards of the United States prepared by the Agricultural Marketing Service of the United States Department of Agriculture as the standard method of making test weight-per-bushel determination.

#### Sec. 5. *Maximum prices of producers.*

(a) The maximum price for a sale by any producer of unground feed screenings, bulk, shall be as follows:

(1) At Minneapolis and Duluth:

\$17.50 per ton for feed screenings weighing up to and including 20 pounds per bushel.

\$21.50 per ton for feed screenings weighing over 20 pounds and up to and including 35 pounds per bushel.

\$24.50 per ton for feed screenings weighing over 35 pounds.

(2) At any given point in Area A, to wit: the States of Montana, North Dakota, South Dakota, or Minnesota (except Minneapolis and Duluth), the maximum price at Minneapolis less the lowest carload flat rail rate transportation charges from said point to Minneapolis or Duluth, whichever is lower: *Provided*, (i) Where the point in question is a non-rail point, the maximum price shall be the maximum price at the rail point nearest thereto; and (ii) that the maximum price for a sale to any mixed feed manufacturer for use at his production

plant located in this Area A shall be the maximum price at Minneapolis less the transit balance on a shipment of a carload quantity of feed screenings from said plant to Minneapolis or Duluth, whichever is lower.

(3) At any given point in Area B, to wit: the States of Arizona, California, Colorado, Idaho, New Mexico, Oregon, Washington, Wyoming and Utah, the maximum price at Minneapolis plus transportation charges actually incurred for the distance transported within Area B to the point of destination. As used in this subparagraph (3), the "point of destination" is a point in Area B, either the buyer's receiving point or a rate point selected to secure favorable transit balances.

(4) At any given point in Area C, to wit: any area not hereinbefore mentioned, the maximum price at Minneapolis plus the lowest domestic carload proportional all rail rate (or if none, the lowest carload flat all rail rate) from Minneapolis to the point of destination. As used in this subparagraph (4) the "point of destination" is any point other than a point in Area A or B, either that rail point constituting or nearest to the buyer's receiving point or a rate point selected to secure favorable transit rates. Further, whenever feed screenings purchased under this subparagraph (4) (or purchased with reference to this subparagraph where said subparagraph is a part of a formula to fix a maximum price for a sale by a person other than a producer) has moved from the immediate seller (either producer or other person where this subparagraph (4) is a part of a formula to fix a maximum price for a sale by a person other than a producer) to said point of destination in whole or in part by water, the foregoing maximum price shall be reduced by an amount equal to the difference between the actual water rate and said rail rate for the distance so moved by water.

(b) The foregoing maximum prices may be increased for a sale by a producer of ground feed screenings, bulk, at the rate of \$4.00 per ton.

Sec. 6. *Maximum grinder's service charge.* (a) The maximum service charge of a grinder for the grinding of a ton of unground feed screenings into ground feed screenings shall be \$4.00.

(b) All regulations or parts thereof establishing a maximum price for such service are hereby superseded and repealed.

Sec. 7. *Maximum commission merchant's service charge.* (a) The maximum service charge for the services of a commission merchant in connection with a first sale of feed screenings as above provided shall be 50 cents per ton. This service charge shall be in addition to the appropriate maximum price of the feed screenings so sold.

(b) All regulations or parts thereof establishing a maximum price for such

service are hereby superseded and repealed.

Sec. 8. *Maximum price for jobbers.* The maximum price for the sale of feed screenings, bulk, by a jobber shall be one of the following maximum markups:

(a) 50 cents per ton for ground feed screenings; and

(b) \$1.00 per ton for unground feed screenings,

over the maximum price for a like sale at a like point by a producer or commission merchant from whichever he purchased the lot so sold by him.

Sec. 9. *Maximum prices for wholesalers.* The maximum price for the sale of ground or unground feed screenings, bulk, by a wholesaler shall be \$2.50 per ton (maximum markup) over: (a) the maximum price of the producer, commission merchant or jobber (from whichever he purchased the lot from out of which the sale is made) for a like sale at the wholesaler's place of unloading plus transportation charges actually incurred from said place of his unloading to his buyer's receiving point not exceeding a distance of 100 miles; or (b) in the case of sales in carload quantities for delivery within Area C, the maximum price of a producer for the lot in question at Minneapolis plus the lowest domestic carload proportional rate (or if none, the lowest carload flat all rail rate) from Minneapolis to the buyer's receiving point.

Sec. 10. *Maximum prices for retailers.* The maximum price for the sale of ground or unground feed screenings, bulk, by a retailer shall be \$3.00 per ton (maximum markup) over the maximum price of the producer, commission merchant, jobber or wholesaler (from whom he purchased the lot from out of which the sale is made) for a like sale at his store or place of business plus transportation charges actually incurred from said retailer's store or place of business to the buyer's receiving point not exceeding a distance of 100 miles.

Sec. 11. *Maximum prices for truckers.* (a) The maximum price for any sale or delivery by any trucker of any feed screenings owned by him shall be the maximum price for a like sale by the person from whom he purchased.

(b) This section is the exclusive mode of sale of feed screenings by a trucker.

Sec. 12. *Sales sacked.* Whenever any seller sacks feed screenings, the foregoing maximum prices may be increased as follows:

(a) In seller's new or used sacks, by the reasonable market value (not exceeding any maximum price thereon) of the sacks, plus 50 cents per ton.

(b) In buyer's new or recleaned sacks by 50 cents per ton.

(c) In buyer's sacks of any other kind by \$1.00 per ton.

Sec. 13. *Calculations by mixed feed manufacturers.* (a) Hereafter feed screenings shall be deemed to be a commodity listed in sections 6 (a) (1) and



7 (a) (1) of Maximum Price Regulation 378 with like effect as if specifically named therein.

(b) Whenever oleaginant screenings are used in mixed feed, the same shall be deemed to be feed screenings and subject to like calculation as to "cost" by a mixed feed manufacturer as provided in paragraph (a) hereof with respect to other feed screenings.

SEC. 14. *Prohibition on cumulative markups.* (a) For one and the same transaction, no commission merchant shall also receive a markup as a jobber, wholesaler or retailer on any lot of feed screenings.

(b) The maximum price of any lot of feed screenings to any ultimate consumer (either processor or feeder) shall never include more than one each of a commission merchant's, jobber's, wholesaler's and retailer's permitted markups, respectively, irrespective of the number of said persons of each class who may have handled the lot in question.

SEC. 15. *Records.* (a) Every seller subject to this regulation shall keep for inspection by the Office of Price Administration for so long as the Emergency Price Control Act of 1942 as amended, remains in effect his customary records including, if any, all bills, invoices and other documents relating to every sale or delivery of feed screenings after the effective date of this regulation.

(b) Upon demand every such seller shall submit such records to the Office of Price Administration and keep such further records as the Office of Price Administration may from time to time require.<sup>1</sup>

SEC. 16. *Enforcement.* Persons violating any provision of this regulation are subject to the licenses revocation or suspension provisions, civil enforcement actions, suits for treble damages, and criminal penalties as provided in the Emergency Price Control Act of 1942 as amended.

SEC. 17. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will

be given by order, except that it may be granted by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 18. *Protests and petitions for amendment.* Any person desiring to file a protest against or seeking an amendment of any provision of this regulation may do so in accordance with Revised Procedural Regulation No. 1 issued by the Office of Price Administration.<sup>2</sup>

This Maximum Price Regulation No. 417 shall become effective July 8, 1943.

NOTE: The record keeping provisions of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of July 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-10627; Filed, July 1, 1943;  
3:33 p. m.]

#### PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[R.O. 11, Amdt. 67]

##### FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

Ration Order No. 11 is amended in the following respects:

1. Section 1394.5001 (a) (10a) is added to read as follows:

(10a) "Depositor" means a person who has a fuel oil ration bank account.

2. Section 1394.5001 (a) (12a) is added to read as follows:

(12a) "Establishment" when used for ration banking purposes means:

(i) As to a primary supplier, any establishment included in his primary supplier's registration;

(ii) As to a dealer, his place of business as included in his dealer's registration; and

(iii) As to a consumer, each place where fuel oil is used by him.

3. Section 1394.5001 (a) (13) as amended to read as follows:

(13) "Evidence" means a token designated by the Office of Price Administration to represent a right to receive a

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 8480, 8703, 8803, 8837, 9310, 9336, 9427, 9430, 9621, 9478, 10153, 10031, 10379, 10530, 10531, 10780, 10707, 11118, 11071, 1466, 11005; 8 F.R. 165, 237, 437, 303, 374, 535, 439, 444, 607, 608, 977, 1204, 1235, 1283, 1631, 1630, 1859, 2194, 2432, 2593, 2781, 2730, 2837, 2342, 2993, 2887, 3105, 3521, 3628, 3734, 3848, 3948, 4255, 4137, 4350, 4784, 4850, 5678, C6C4, C2C2, 6960.

<sup>2</sup> 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

transfer of fuel oil, and exchangeable for such fuel oil. The term includes coupons, ration checks, acknowledgments of delivery, inventory coupons, exchange certificates and export certificates. The term does not include delivery receipts (Form OPA R-1125) or fuel oil deposit certificates (Form OPA R-1170).

4. Section 1394.5001 (a) (24) is amended to read as follows:

(24) "Ration" as the context requires, means either a right to use, or to acquire and use fuel oil, evidenced by coupons, delivery receipts or fuel oil deposits certificates issued by a Board.

5. Section 1394.5462 is added as follows:

§ 1394.5462 *When fuel oil deposit certificates will be issued as rations other than for heat or hot water.* (a) The issuance of fuel oil deposit certificates as a renewal ration for heat or hot water for the 1943-44 heating year is covered by § 1394.5288.

(b) If application for a ration is made on Form OPA R-1102 and the amount of fuel oil which the applicant may acquire during any 3 month period beginning on or after July 1, 1943 is between 5,000 gallons and 12,500 gallons, inclusive, a fuel oil deposit certificate will be issued, instead of coupons, if requested by the applicant. If the amount is more than 12,500 gallons, a fuel oil deposit certificate must be issued.

(c) If application for a ration is made on Form OPA R-1103 or OPA R-1103A and the amount of fuel oil which the applicant may acquire during any 6 month period beginning on or after July 1, 1943 is between 10,000 gallons and 25,000 gallons, inclusive, a fuel oil deposit certificate will be issued, instead of coupons, if requested by the applicant. If the amount is more than 25,000 gallons, a fuel oil deposit certificate must be issued.

(d) Coupons instead of fuel oil deposit certificates will be issued if an exemption is granted under § 1394.5682 (d).

(e) Any consumer, other than one to whom a ration has been issued for heat or heat and hot water, may, on or after July 1, 1943, obtain a fuel oil deposit certificate if the gallonage value of his unexpired coupons and unused delivery receipts issued as a ration to commence before July 1, 1943 is 5,000 gallons or more. A fuel oil deposit certificate equal in gallonage value to the unexpired coupons and unused delivery receipts will be issued in exchange for the coupon sheets and delivery receipts (and stubs) representing the ration.

6. Section 1394.5463 is added as follows:

§ 1394.5463 *A depositor may bank all rations for the same establishment.* Any applicant for a ration who is already a depositor as to an establishment or to

<sup>1</sup> Subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

whom a fuel oil deposit certificate has already been issued for an establishment may receive fuel oil deposit certificates, instead of coupons, for any ration to be issued for the same establishment regardless of the amount of the ration to be issued.

7. An undesignated center headnote is added preceding § 1394.5680, to read as follows: "Ration Banking."

8. Sections 1394.5680 to 1394.5688 are added, as follows:

§ 1394.5680 *What a ration bank account is.* A fuel oil ration bank account (for convenience called a "ration bank account") is similar to an ordinary dollar checking account. It is an account opened in a regular commercial bank and coupons, ration checks and other evidences and fuel oil deposit certificates are deposited in the account and ration checks are drawn against it. (General rules for the opening, closing and use of a ration bank account are given in General Ration Order 3A.<sup>2</sup>)

§ 1394.5681 *The number of accounts in one bank or for one establishment is limited.* (a) Not more than one account may be opened for any one establishment. (The term "establishment" is explained in § 1394.5001 (a) (12A)).

(b) Any primary supplier, dealer or consumer who wishes to open more than one ration bank account for any one establishment or an account for a related activity of an establishment or an account in a bank other than one in which he has a dollar checking account may forward an application to the Fuel Oil Rationing Branch, Office of Price Administration, Washington, D. C., for authority to open such ration bank accounts. He must state in his application all the facts he claims show his need for such ration bank accounts.

§ 1394.5682 *Who must open a ration bank account—(a) Primary suppliers.* Every registered primary supplier must, during the month of July 1943 (or if he applies for registration after July 31, 1943, within 10 days after the date of application), open at least one ration bank account for all the establishments included in each primary supplier registration. He may open a separate account for each establishment or for any group of them included in the same registration.

(b) *Dealers.* (1) Every registered dealer who during any consecutive 12 month period after June 1, 1942, has sold at least 250,000 gallons of fuel oil must, during the month of July 1943, open at least one ration bank account for all his dealer establishments. If he is not eligible during the month of July

1943, he must open the account within 30 days after he becomes eligible. If he has more than one establishment, he may open a separate account for each or for any group of them; however, no separate account may be opened for any single establishment, or for any group of them, at which less than 250,000 gallons of fuel oil was sold during any consecutive 12 month period after June 1, 1942.

(2) Any person who becomes a registered dealer after October 1, 1942, and who is not required to become a depositor under the preceding paragraph, may, on or after July 1, 1943, open a ration bank account for each one of his dealer establishments, or for any group of them, at which he has sold at least 35,000 gallons of fuel oil during any period of 30 consecutive days. If he opens an account, he must become a depositor as to all his dealer establishments.

(c) *Consumers.* Every consumer who receives a fuel oil deposit certificate from his Board must, on or after July 1, 1943, open a ration bank account for the establishment. If he receives fuel oil deposit certificates for more than one establishment, he may open a separate account for each establishment or for any group of them. However, no additional account may be opened for an establishment for which the consumer has a dealer or primary supplier account.

(d) *Exemptions.* If no bank is accessible to a person who is required to open a ration bank account, or if the use of ration banking would impose a hardship upon a dealer, he may obtain an exemption from the requirements of this section from the appropriate District Director.

§ 1394.5683 *Where primary suppliers and dealers must deposit evidences—(a) Primary suppliers.* Every evidence received by a primary supplier who is a depositor, in exchange for a transfer, or as a refund in connection with a transfer, of fuel oil, may be deposited only in the ration bank account carried for the establishment at or from which he made the transfer or in the account carried for any establishment included in the same registration.

(b) *Dealers.* Every evidence received by a dealer who is a depositor, in exchange for a transfer, or as a refund in connection with a transfer, of fuel oil, must be deposited in the ration bank account carried for the establishment at or from which he made the transfer.

§ 1394.5684 *When primary suppliers and dealers must deposit evidences.* (a) Unit value coupons of Class 4, 5 and 6 coupon sheets may be deposited at any time after the date they become valid, but not after the following dates:

Coupons numbered:	Last day for deposit
1-----	February 2, 1944.
2-----	March 8, 1944.
3-----	April 13, 1944.
4-----	October 30, 1944.
5-----	October 30, 1944.

(b) Definite value coupons, ration checks, exchange certificates, export certificates, and acknowledgments of delivery may be deposited at any time.

(c) No delivery receipts or unit value coupons of Class 1 or Class 2 coupon sheets may be deposited in any ration bank account.

§ 1394.5685 *Where consumers deposit fuel oil deposit certificates.* (a) A consumer must endorse and deposit every fuel oil deposit certificate issued as a ration (and each ration check received as a refund) for a specified establishment in the ration bank account for that establishment.

(b) No coupons or other evidences or delivery receipts may be deposited in a consumer's ration bank account.

§ 1394.5686 *To whom ration checks may be issued.* A depositor may not issue a ration check except to the following persons:

(a) To the person who transfers fuel oil to him, in exchange for the fuel oil transferred.

(b) To a person from whom he has received evidences to make any necessary adjustment between the amount of evidences received and the amount of fuel oil transferred to such person in exchange for such evidences. However, no ration check may be issued to make an adjustment to a consumer who is not a depositor.

(c) To the Office of Price Administration or to any Office or Board thereof.

§ 1394.5687 *Issuance of checks.* (a) Whenever a dealer or primary supplier issues a ration check to the Office of Price Administration or to any office or board thereof to accompany a report required by this order, or to any person in exchange for a transfer of fuel oil, the check must be drawn upon the account carried for the establishment included in the report or receiving the transfer, as the case may be, except that a primary supplier may draw his check upon the account carried for any establishment included in the same registration.

(b) A transfer of fuel oil may be made to a consumer who is a depositor in exchange for a ration check issued by the transferee in an amount equal to the fuel oil transferred. The check must be issued at the time of, or at the option of the transferor within 72 hours after, the transfer, except that where a transfer of 2,000 gallons or more of fuel oil is made to a consumer in a single transportation facility generally used for such

<sup>2</sup> 8 F.R. 1130.

purpose, the transferor may, at his option, permit the consumer to issue his check for such fuel oil within a period not exceeding 15 days from the date of transfer.

(c) If a transfer is made to a consumer who is a depositor, in the absence of the consumer or his agent, or by common or contract carrier or pipeline, the consumer shall, within 72 hours after the transfer, issue a ration check to the transferor for the fuel oil transferred. However, if the transfer is 2,000 gallons or more in a single transportation facility, the transferor may, at his option, permit the consumer to issue his check for such fuel oil within a period not exceeding 15 days.

(d) When a person issues a ration check, he must, in addition to making all other proper entries, indicate on his check stub, check register or similar record, the amount of fuel oil for which it is issued, the address where the fuel oil was delivered, and if he is a consumer, the ration against which the check is issued.

§ 1394.5688 *Acceptance of ration checks.* (a) When a ration check is received by a person who neither is nor is required to be a depositor, he may use it only to acquire fuel oil in the amount for which the check has been drawn. In such case, he must endorse the check and transfer it to the person from whom the fuel oil is acquired.

(b) A ration check may be accepted by a transferor of fuel oil either if it is made payable to him and is drawn by his transferee, or if the transferee is not a depositor, if it is endorsed both by his transferee and the person to whom the check is issued.

9. Section 1394.5507 (a) is amended by inserting the phrase "ration checks, fuel oil deposit certificates" between the phrase "export certificates" and the phrase "and delivery receipts", and by inserting the phrase "ration check, fuel oil deposit certificate" between the phrase "export certificate" and the phrase "and delivery receipt".

This amendment shall become effective on July 1, 1943.

(Pub. Law 471, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong., Pub. Law 421, 77th Cong.; WPB Directive 1, 7 F.R. 562; Supp. Directive 1-0, as amended, 7 F.R. 8416; E.O. 9125, 7 F.R. 2719)

Issued this 30th day of June 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-10629; Filed, July 1, 1943;  
3:34 p. m.]

No. 131—6

## PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[MPR 136<sup>1</sup> as Amended, Amdt. 94]

### MACHINES AND PARTS, AND MACHINERY SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation No. 136, is amended in the following respects:

1. In § 1390.32 (c) the following item is added in alphabetical order:

Floor Surfacing and Floor Maintenance Machinery (Industrial).

2. In § 1390.35 (c) the following item is added in alphabetical order:

	<i>Depreciation rate per annum (per cent)</i>
Floor Surfacing and Floor Maintenance Machinery (Industrial) .....	10

This amendment shall become effective July 8, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 1st day of July 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-10628; Filed, July 1, 1943;  
3:35 p. m.]

## PART 1499—COMMODITIES AND SERVICES

[Order 247 Under § 1499.18 (b) of GMPR]

### BUTLER BROTHERS

Order No. 247 under § 1499.18 (b) of the General Maximum Price Regulation; Docket No. GF3-2738.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1847 *Adjustment of maximum prices for men's shirts sold by Butler Brothers.* (a) Butler Brothers, of Randolph and Canal Streets, Chicago, Illinois, may sell and deliver and any person may buy and receive from that corporation men's shirts in white and fancy

\*Copies may be obtained from the Office of Price Administration.

17 F.R. 3198, 3370, 3447, 3723, 4176, 5047, 5362, 5665, 5908, 6425, 6682, 6899, 6964, 6965, 6937, 6973, 7010, 7246, 7320, 7365, 7509, 7602, 7739, 7744, 7807, 7812, 7845, 7844, 8188, 8362, 8433, 8479, 8520, 8652, 8707, 8837, 9001, 8948, 9040, 9041, 9042, 9053, 9054, 9729, 9736, 9822, 9823, 9899, 10109, 10230, 10556; 8 F.R. 155, 369, 534, 1058, 1382, 2270, 3314, 3370, 3848, 4341, 4476, 4515, 4516, 4523, 4787, 5567, 5306, 5746, 5818, 6359, 6614, 7106, 7197, 7260, 7261.

patterns at prices not in excess of the following:

\$12.00 per dozen net for Valor and Big Brother shirts for shipment from factory.  
\$12.24 per dozen less the seller's customary discount of 2% for Valor and Big Brother shirts shipped from its distribution houses located in Chicago, Illinois, St. Louis, Missouri, Baltimore, Maryland, New York, New York, and Minneapolis, Minnesota.

\$14.35 per dozen net for Valor DeLuxe and Big Brother DeLuxe shirts for shipment from factory.

Nothing contained in this order shall deprive the applicant of the right to charge a higher maximum price than the prices contained in this order where such higher maximum price has been established under the General Maximum Price Regulation for shipments of the Valor and Big Brother shirts from its distribution houses at Dallas, Texas and San Francisco, California, and of the Valor DeLuxe and Big Brother DeLuxe shirts from any distribution house other than the factory.

(b) The maximum prices set forth in paragraph (a) herein shall be subject to petitioner's customary discounts and trade practices, including practices relating to shipping and shipping charges.

(c) Butler Brothers shall cause the following written notice to be sent to all persons to whom it sells men's shirts under the terms of this order.

The Office of Price Administration has permitted us to raise our maximum prices for sales to you of Valor and Big Brother men's shirts in white and fancy patterns to \$12.00 a dozen (or \$12.24 less 2% discount) and for the Valor DeLuxe and Big Brother DeLuxe in white and fancy patterns to \$14.35 a dozen. The amount of the increase in these prices over any previous maximum prices represents only that part of the cost increases which we are unable to absorb and was granted with the understanding that retail prices would not be raised. The Office of Price Administration is not permitting you or any other seller to raise the maximum price on a resale of any of these items.

(d) All prayers in the petition not granted herein are denied.

(e) This Order No. 247 may be revoked or amended by the Administrator at any time.

(f) This Order No. 247 (§ 1499.1847) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(g) This Order No. 247 (§ 1499.1847) shall become effective July 2, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 1st day of July 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-10631; Filed, July 1, 1943;  
3:35 p. m.]

## PART 1499—COMMODITIES AND SERVICES

[Order 66 Under SR 15 to GMPR]

HUGH F. M'GOLDRICK

Order No. 66 under § 1499.75 (a) (3) of Supplementary Regulation No. 15 to the General Maximum Price Regulation; Docket No. GF3-3163.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1366 *Adjustment of maximum prices for contract carrier services by Hugh F. McGoldrick, of 58 Ravine Road, West Medford, Massachusetts.* (a) Hugh F. McGoldrick, of 58 Ravine Road, West Medford, Massachusetts, may sell and deliver contract carrier services to The Flintkote Company, Inc., at prices not to exceed the maximum prices established in a contract with said company on May 12, 1942.

(b) All requests of the application not granted herein are denied.

(c) This Order No. 66 (§ 1499.1366) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(d) This Order No. 66 (§ 1499.1366) may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 66 (§ 1499.1366) shall become effective July 2, 1943.

(Pub. Laws No. 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 1st day of July 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-10630; Filed, July 1, 1943; 3:35 p. m.]

## PART 1399—CONSTRUCTION, OIL FIELD, MINING, AND RELATED MACHINERY

[MPR 134<sup>1</sup> incl. Amdt. 9]

## CONSTRUCTION AND ROAD MAINTENANCE EQUIPMENT RENTAL PRICES AND CHARGES FOR OPERATING AND MAINTENANCE OR REPAIR AND REBUILDING SERVICES

Sections 1399.1, 1399.2, 1399.3, 1399.5, 1399.6, 1399.12 (a) (5), (9), 1399.15 were amended, §§ 1399.14, 1399.16 were added, and §§ 1399.7 through 1399.13a were redesignated by Amendment 9, effective July 1, 1943, so that Maximum Price Regulation No. 134 shall read as follows:

In the judgment of the Price Administrator the rental prices for construction and road maintenance equipment have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency

Price Control Act of 1942. The Price Administrator has further ascertained and given due consideration to the rental prices of construction and road maintenance equipment prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum rental prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations<sup>2</sup> involved in the issuance of this Regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,<sup>3</sup> issued by the Office of Price Administration, Maximum Price Regulation No. 134 is hereby issued.

## Sec.

- 1399.1 Prohibition against furnishing equipment, or supplying services, at prices in excess of maximum prices.
- 1399.2 Maximum rental prices.
- 1399.3 Rate bases: Most favorable to apply.
- 1399.4 Minimum rental period.
- 1399.5 Maximum charges for operating and maintenance and repair and rebuilding services.
- 1399.6 Contracts on a "fully operated" or similar basis.
- 1399.7 Less than maximum prices.
- 1399.8 Evasion.
- 1399.9 Records and reports.
- 1399.10 Petitions for amendment.
- 1399.11 Enforcement.
- 1399.12 Definitions.
- 1399.13 Effective date.
- 1399.13a Effective dates of amendments.
- 1399.14 Rental rates—General provisions.
- 1399.15 Appendix A: Table of rates for construction and road maintenance equipment.
- 1399.16 Appendix B: Table of rates for dump trucks and truck and trailer mounted equipment.

AUTHORITY: §§ 1399.1 to 1399.16, inclusive, issued pursuant to Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871.

[Except as otherwise noted, the title and §§ 1399.1 to 1399.15, inclusive, appear as amended and § 1399.16 as added, by Amendment 9, effective 7-1-43.]

<sup>2</sup> Statements of considerations also are issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

<sup>3</sup> Revised: 7 F.R. 8961; 8 F.R. 3313, 3533, 6173.

§ 1399.1 *Prohibition against furnishing equipment, or supplying services, at prices in excess of maximum prices.* Regardless of any contract, lease or agreement: (a) No person shall lease, or furnish for use, and no person in the course of trade or business shall rent, or receive for use, any construction or road maintenance equipment on a bare basis, or make or receive payment for any such equipment, at a price in excess of the maximum rental price established by this regulation for such equipment.

(b) No person shall supply, and no person in the course of trade or business shall accept, any operating and maintenance or repair and rebuilding service, or make or receive payment for any such service, at a price in excess of the maximum charge established by, or under, this regulation for such service.

(c) No person shall lease, or furnish for use, and no person in the course of trade or business shall rent, or receive for use, any construction or road maintenance equipment on a fully or partially operated basis, or make or receive payment for any such equipment, at a price in excess of the sum of the maximum rental price for such equipment established by this regulation and the maximum charge for any operating and maintenance service supplied in connection with such equipment, established by, or under, this regulation.

(d) No person shall agree, offer, solicit, or attempt to do any of the acts prohibited in paragraphs (a), (b), and (c) of this section.

(e) The provisions of paragraphs (a) and (c) of this section, as to receiving for use any construction or road maintenance equipment on a bare, or fully or partially operated basis, or making payment therefor, and the provisions of paragraph (b) as to accepting any operating and maintenance, or repair and rebuilding service, or making payment therefor, shall not be construed to apply to (1) any war procurement agency of the United States or any contracting or paying officer thereof, or (2) the government of any country the defense of which the President of the United States deems vital to the defense of the United States under the terms of the Act of March 11, 1941, entitled "An Act to promote the defense of the United States" or to any agency of any such government. Any such war procurement agency or any contracting or paying finance officer thereof and any such government, or any agency thereof shall be relieved of any and every liability, civil or criminal, imposed by this Regulation, or by the Emergency Price Control Act of 1942, as amended.

§ 1399.2 *Maximum rental prices—(a) Daily rental rates.* For any construction or road maintenance equipment:

<sup>1</sup> 7 F.R. 3203.

(1) Which is not in actual use for more than 8 hours during one daily period, the maximum rental price shall be the rental price calculated upon the basis of the applicable rate "per day" in the Table of Rates set forth in Appendices A, B (b), or B (c), unless otherwise specifically provided therein.

(2) Which is in actual use for more than 8 hours during one daily period, the maximum additional rental price for each additional hour, or part of an hour, of such actual use shall be the rental price calculated upon the basis of 1/16 of such applicable rate "per day".

(b) *Weekly rental rates.* For any construction or road maintenance equipment:

(1) Which is not in actual use for more than 48 hours during one weekly period, the maximum rental price shall be the rental price calculated upon the basis of the applicable rate "per week" in the Table of Rates set forth in Appendices A, B (b), or B (c), unless otherwise specifically provided therein.

(2) Which is in actual use for more than 48 hours during one weekly period, the maximum additional rental price for each additional hour, or part of an hour, of such actual use shall be the rental price calculated upon the basis of 1/8 of such applicable rate "per week."

(3) Which remains in the possession of the lessee for a part of a weekly period beyond one or more full weekly periods, the maximum rental price for such part of the weekly period shall be the rental price calculated upon the basis of the higher of the following: (i) 1/4 of the applicable rate "per week" for each daily period, or part thereof, of possession, or (ii) 1/8 of the applicable rate "per week" for each hour, or part thereof, of actual use. If such equipment is in actual use during such part of a weekly period for more than 48 hours, the maximum rental price shall be the rental price calculated in accordance with subparagraphs (1) and (2) of this paragraph.

(c) *Monthly rental rates.* For any construction or road maintenance equipment:

(1) Which is not in actual use for more than 240 hours during one monthly period, the maximum rental price shall be the rental price calculated upon the basis of the applicable rate "per month" in the Table of Rates set forth in Appendices A, B (b), or B (c), unless otherwise specifically provided therein.

(2) Which is in actual use for more than 240 hours during one monthly period, the maximum additional rental price for each additional hour, or part of an hour, of such actual use shall be the rental price calculated upon the basis of 1/480 of such applicable rate "per month".

(3) Which remains in the possession of the lessee for a part of a monthly period beyond one or more full monthly periods, the maximum rental price for such part of the monthly period shall be the rental price calculated upon the basis of the higher of the following:

(i) 1/30 of the applicable rate "per month" for each daily period, or part thereof, of possession, or (ii) 1/480 of the applicable rate "per month" for each hour, or part thereof, of actual use. If such equipment is in actual use during such part of a monthly period for more than 240 hours, the maximum rental price shall be the rental price calculated in accordance with subparagraphs (1) and (2) of this paragraph;

(4) Which is to remain in the possession of the lessee for one or more full monthly periods, and for which the lessee desires to have the rental prorated for any part of a monthly period preceding the full monthly periods, the maximum rental price for an initial fractional part of a monthly period shall be the rental price calculated in accordance with subparagraph (3) of this paragraph.

§ 1399.3 *Rate bases: Most favorable to apply.* (a) Except where otherwise specifically provided in §§ 1399.15 and 1399.16, set forth as Appendices A and B of this regulation, irrespective of whether construction or road maintenance equipment is leased by the hour, day, week, month, or on any other basis, the maximum rental price of any such equipment shall be:

(1) Calculated on a daily rate basis in accordance with paragraph (a) of § 1399.2 if equipment is in lessee's possession for not more than 4 consecutive daily periods; except that where the rental price so calculated exceeds the price calculated upon a weekly basis, the maximum price shall be the rental price determined upon a weekly rate basis in accordance with paragraph (b) of § 1399.2;

(2) Calculated on a weekly rate basis in accordance with paragraph (b) of § 1399.2 if the equipment is in lessee's possession for more than 4 consecutive daily periods but not more than 3 consecutive weekly periods; except that where the rental price so calculated exceeds the price calculated upon a monthly basis the maximum rental price shall be the rental price determined upon a monthly rate basis in accordance with paragraph (c) of § 1399.2;

(3) Calculated on a monthly rate basis in accordance with paragraph (c) of § 1399.2 if such equipment is in lessee's possession for more than 3 consecutive weekly periods.

(b) Paragraph (a) of this section shall apply even where the periods of rental are not consecutive, if the lessee in such case is willing to rent the equipment continuously and the interval between the termination of the initial period of rental and the commencement of the subsequent period of rental to the same lessee does not exceed 30 days. In such case, the maximum rental price shall be calculated as if the periods of rental were consecutive.

§ 1399.4 *Minimum rental period.* Notwithstanding the provisions of §§ 1399.1 and 1399.2, a lessor who, on

April 15, 1942, observed an established practice of requiring a minimum period of rental for any construction or road maintenance equipment may continue the same practice for such equipment: *Provided, That such lessor shall, on or before August 1, 1943, unless he has already done so, file a report with the Office of Price Administration, Washington, D. C., explicitly setting forth the nature of such practice, the construction or road maintenance equipment to which such practice applies, and copies of leases, invoices, or published rental lists and other relevant proof showing that such practice was in effect on April 15, 1942.*

§ 1399.5 *Maximum charges for operating and maintenance and repair and rebuilding services.*—(a) *General provisions.* On or after July 1, 1943, no person shall make, or receive, payment for any operating and maintenance, or repair and rebuilding, service unless the supplier thereof has established a maximum charge therefor by filing a report of his proposed charge with the Office of Price Administration, Washington, D. C., and, where necessary, by having a charge approved or not disapproved by the Office of Price Administration as provided by this regulation; or unless a maximum charge for such service has been established by a general order of the Office of Price Administration; except that any supplier of such service who was not in business within a period of 90 days before July 1, 1943, shall have 90 days from the date on which he began business to establish a maximum charge for any such service supplied by him, in accordance with the requirements of this regulation.

(b) *Maximum charges for operating and maintenance services.* (1) For any operating and maintenance service for which the lessor has heretofore established a general maximum charge with the Office of Price Administration, Washington, D. C., the maximum price for such service shall be the charge which is filed with, and approved, or not disapproved, by the Office of Price Administration.

(2) For any operating and maintenance service, for which the lessor has not established a general maximum charge with the Office of Price Administration, the maximum price for all work for which a report is filed as hereafter provided and for all similar work thereafter to be performed by such lessor, shall be a charge calculated by the supplier: (i) according to the method which he used on March 31, 1942, or if he had no method at that time, by a method appropriate to the service and resulting in a price proportionate to competitive prices for similar services on March 31, 1942, (ii) using labor rates and material prices, not exceeding applicable maximum prices, prevailing on March 31, 1942 in the area



where the services are to be rendered, and rates for determining overhead and markup which the lessor had in effect on March 31, 1942, and (iii) which has been reported to, and approved, or not disapproved, by the Office of Price Administration, Washington, D. C., pursuant to subparagraph (3) hereof. Such report shall state the type of work in connection with which the services are to be rendered and shall show the proposed charge for each item of equipment broken down on an hourly basis to reflect all the elements of cost and profit comprising the charge, submitted as nearly as possible in the form set forth in the following illustration:

Item	Per operating hour
Operator's wages.....	\$.....
Social Security taxes and Insurance.....	\$.....
Fuel.....	\$.....
Oil.....	\$.....
Lubrication.....	\$.....
Repairs (other than for normal wear and tear).....	\$.....
Total direct expenses.....	\$.....
Indirect expense and markup (attach separate schedule).....	\$.....
Total hourly service charge requested.....	\$.....

(The above figures must be at March 31, 1942, rates.)

(3) After filing the report required by subparagraph (2), the supplier may quote, contract, or perform services at the proposed charge, but no payment shall be made or received for such services except in accordance with the final action or acquiescence of the Office of Price Administration in respect to such report. The Office of Price Administration may disapprove the proposed charge in writing within 30 days after receiving such report. Upon such disapproval, the supplier shall, unless he wishes to accept a maximum charge suggested by the Office of Price Administration, recompute the charge in accordance with subparagraph (2) and any suggestion of the Office of Price Administration accompanying the disapproval, and report the same as in the first instance. Any recomputed charge reported by a supplier shall be subject to the same action by the Office of Price Administration as a charge initially reported. Upon disapproval of a proposed charge the supplier shall not quote, contract, perform, or receive payment for, services at a charge in excess of any charge suggested by the Office of Price Administration. Reports hereby required shall contain, in addition to the calculations required by subparagraph (2), a clear description of the nature of the services and the item of equipment to which such calculations apply and evidence substantiating the data submitted. The Office of Price Administration may require such additional explanation or evidence as it considers necessary to dispose of any report. Any established maximum charge may be adjusted, without retroactive effect, by the Office of Price Administration at any time it appears that such charge was computed on inaccurate evidence.

(4) For any operating and maintenance service, to be rendered in connection with a type of work which is not similar to that for which a lessor has established a charge with the Office of Price Administration, the maximum charge shall be a charge which is calculated by the lessor and reported to, and approved, or not disapproved, by the Office of Price Administration in accordance with the provisions of subparagraphs (2) and (3) of this paragraph, all of which provisions shall apply to, and control, the establishment and use of any such maximum charge as aforesaid.

(5) The Office of Price Administration, Washington, D. C., may at any time by order, establish specific maximum charges for operating and maintenance services, in line with the general level of charges established under this regulation, applicable to any type of work and to any group of lessors, or all lessors, for (i) a designated geographical area, or (ii) specified construction or road maintenance equipment. Any such specific maximum charges established by the Office of Price Administration shall supersede individual maximum charges established by all lessors affected by the general action.

(c) *Maximum charges for repair or rebuilding services.* (1) For any repair and rebuilding service for which the supplier has heretofore established, a general maximum charge with the Office of Price Administration, Washington, D. C., the maximum price for such service shall be the charge which is filed with, and approved, or not disapproved, by the Office of Price Administration.

(2) For any repair or rebuilding service, for which a supplier has not established a general maximum charge with the Office of Price Administration, the maximum price shall be a charge: (i) calculated by the supplier in accordance with the method of calculating such charges which he used on March 31, 1942, and if he had no such method, by a method usual in the industry, appropriate to the service and resulting in a price proportionate to competitive prices for similar services on March 31, 1942, using (ii) labor rates and material prices, not exceeding applicable maximum prices, which were in effect on March 31, 1942, in the area where the supplier is located, and rates for determining overhead and markup which the supplier had in effect on March 31, 1942, and which has been (iii) reported to, and approved, or not disapproved by the Office of Price Administration, Washington, D. C., pursuant to subparagraph (3) hereof.

(3) The provisions of subparagraph (3) of paragraph (b) apply to the report required by subparagraph (2) of this paragraph (c).

(4) No person may establish a maximum charge for repairs of equipment only which is to be calculated according to the operating hours of the equipment.

(d) *Maximum flat charges for groups of repair and rebuilding services.* (1) If any supplier desires, or is required by an agency of the United States, to establish

a flat hourly charge for any group of repair and rebuilding services, the maximum charge for each service in such group, shall be a charge: (i) which has been calculated so as to accomplish no increases in the supplier's gross income from the sale of all services in such group and which has been (ii) reported by the supplier to, and approved, or not disapproved by, the Office of Price Administration, Washington, D. C., pursuant to subparagraph (2) hereof.

(2) The report required by subparagraph (1) shall contain a clear description of each of the services for which a flat charge is requested, the proposed flat charge, the charge for each of the services in the group in effect on March 31, 1942, or subsequently established with the Office of Price Administration, data showing that use of the flat rate will not increase the supplier's gross income from the sale of all services to which it will be applied, evidence substantiating such data, and a statement of the proportion of the supplier's total business represented by each service in such group. After filing the report, the supplier may quote, contract, or perform any of the services in the designated groups at the proposed flat charge, but final settlement shall be made only in accordance with the action of the Office of Price Administration. The Office of Price Administration may disapprove the proposed charge in writing within 30 days after receiving such report. Upon such disapproval the supplier shall, unless he wishes to accept a charge suggested by the Office of Price Administration, recompute the charge as required by subparagraph (1) and any suggestion accompanying the disapproval and report the same as in the first instance. Any recomputed charge reported by a supplier shall be subject to the same action by the Office of Price Administration as a charge initially reported. Upon disapproval of a proposed charge, the supplier shall not quote, contract, or perform, or receive payment for, services at a charge in excess of any charge that may be suggested by the Office of Price Administration. As to any report required hereby, the Office of Price Administration may require such additional explanation or evidence as it finds necessary to dispose of such report. At any time after approving, or failing to disapprove, a flat charge for a group of services, the Office of Price Administration may require the supplier to submit evidence showing that his gross income has not been increased by use of the flat charge and, if the evidence indicates there has been such increase, the Office of Price Administration may require revision of the flat charge.

(e) *Adjustment of established service charges.* The provisions of § 1390.25a (b) of Maximum Price Regulation No. 136, as amended—Machines and Parts, and Machinery Services—are hereby incorporated herein as a part of this regulation. Application for an adjustment of a general maximum charge for operating and maintenance, or repair and rebuilding, service shall be filed in accordance with those provisions and such

a maximum price may be adjusted in accordance with those provisions.

§ 1399.6 *Contracts on a "fully operated" or similar basis.* If any construction or road maintenance equipment is leased on a "fully-operated" or similar basis, whereby the consideration to be paid represents payment both for the rental of such equipment and any operating and maintenance service, or services, the consideration paid shall not exceed the aggregate of the maximum rental price provided by this regulation for such equipment and the maximum charge established with, or by, the Office of Price Administration, Washington, D. C., for such service, or services, and the lessor shall separately itemize on his invoices his charges for rental and his charges for services. This section shall apply in every instance, irrespective of whether or not lessors used "fully operated" or similar lump sum contracts on March 31, 1942, except where the Office of Price Administration, Washington, D. C., specifically approves in writing a combination charge for rental and services and relieves the lessor of the necessity of stating separately his charges for each.

§ 1399.7 *Less than maximum prices.* Lower rental prices and lower charges for operating or maintenance services than those set forth in this Maximum Price Regulation No. 134, may be charged, demanded, paid, or offered.

§ 1399.8 *Evasion.* It shall be a violation of this Maximum Price Regulation No. 134, to effect a price increase above the applicable maximum rental price or maximum service charge by making a charge for transportation of construction or road maintenance equipment to or from the job on a basis not heretofore customarily used, by hereafter establishing or extending a minimum rental period for any construction or road maintenance equipment, by changing an adjunct or an accessory tool of any construction or road maintenance equipment to obtain a capacity higher than the manufacturer's rated capacity for such equipment, or by way of commission, service, or other charge or requirement, or by way of premium or other privilege, or in any other manner. It shall also be a violation of this Maximum Price Regulation No. 134 for any lessee of construction or road maintenance equipment to pay to any person, or for any lessor of such equipment to receive, any fees, commissions, or other compensation, whether for broker's services or otherwise, which, when added to the price paid for rental of such equipment or the rendering of operating or maintenance services in connection therewith, would result in a total sum exceeding the maximum price established by this regulation for such rental or services.

[Last sentence added by Amendment 8, 8 F.R. 5931, effective 5-11-43]

§ 1399.9 *Records and reports—(a) Records.* Persons subject to this Maximum Price Regulation No. 134, shall keep available for inspection by representa-

tives of the Office of Price Administration for a period of two years records of the following:

(1) *By the lessor of construction or road maintenance equipment.* Records of each lease or agreement subject hereto showing the name and address of the lessee, the items of equipment leased, the date of the lease, the actual period of lease, the total rental price paid, the method by which it was calculated, the construction project or locality for which the equipment was leased, and any payments to the lessor, in connection with such equipment, in addition to the rental price.

(2) *By the supplier of operating and maintenance or repair and rebuilding services.* Records of all such services performed after the effective date of this Maximum Price Regulation No. 134, showing the name of the person for whom such services were performed, the date of the transaction, identification of the services providing a reference to a price list or to production records, and the net charge therefor, and, in addition, records showing as precisely as possible the basis upon which maximum charges for operating and maintenance or repair and rebuilding services are determined.

(b) *Additional or substituted records and reports.* Every person subject to this Maximum Price Regulation No. 134, shall keep such other records and submit such other reports, including periodic financial statements, as the Office of Price Administration may from time to time require in writing, either in addition to or in substitution for records and reports herein required.

§ 1399.10 *Petitions for amendment—(a) Amendments.* Any person seeking an amendment of any provision of this Maximum Price Regulation No. 134 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.

[Paragraph (a) amended by Supplementary Order 26, 7 F.R. 8948]

(b) *Special amendments—(1) Counties of the State of Michigan.* Notwithstanding the provisions of § 1399.2, the maximum rental price for any construction or road maintenance equipment leased or furnished to the State of Michigan by the Board of County Road Commissioners of any County of the State of Michigan shall be the rental price agreed upon between the State of Michigan and its Counties on July 21, 1942, as set forth in the rate sheets filed with the Office of Price Administration on August 17, 1942.

(2) [Amendment 4 afforded relief to the Sierra Tractor & Equipment Co., 7 F.R. 9054.]

(3) *U. S. Army Engineers, Alaska.* Notwithstanding any provisions of this Maximum Price Regulation No. 134 or of Maximum Price Regulation No. 194,<sup>7</sup> the maximum rental price per month for any construction or road maintenance equipment leased or furnished by any person to the United States Army En-

gineers for use in connection with the Alaska Western Railways Survey in the Territory of Alaska shall be the applicable monthly rate set forth in § 1399.15, Appendix A, plus 100% of such rate, irrespective of the number of hours that such equipment may be used.

[Paragraph (3) added by Amendment 6, 8 F.R. 1975, effective 2-15-43]

(4) *Construction equipment used in Alaska.* Except as provided in § 1399.10 (b) (3), and notwithstanding any contrary provision of this Maximum Price Regulation No. 134, or of Maximum Price Regulation No. 194, the maximum monthly rental rate for any construction or road maintenance machinery used in the Territory of Alaska shall be the applicable monthly rate set forth in § 1399.15, Appendix A of Maximum Price Regulation No. 134, plus 25% of such rate.

[Paragraph (4) added by Amendment 7, 8 F.R. 3763, effective 3-31-43]

§ 1399.11 *Enforcement.* (a) Persons violating any provisions of this Maximum Price Regulation No. 134, are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 134, or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest District, State, or Regional Office of the Office of Price Administration or its principal Office in Washington, D. C.

§ 1399.12 *Definitions.* (a) When used in this Maximum Price Regulation No. 134, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons; or legal successors or representatives of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Construction or road maintenance equipment" means any machinery or equipment specifically set forth in the Tables of Rates, incorporated herein as §§ 1399.15, 1399.16.

(3) "Rental price" means the amount charged for the use or possession of any construction or road maintenance equipment.

(4) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, the Lend-Lease Section of the Procurement Division of the Treasury Department and the following subsidiaries of the Reconstruction Finance Corporation: Rubber Reserve Company, Metals Reserve Company, Defense Plant Corporation, and Defense Supplies Corporation, or any agency of any of the foregoing.

(5) (i) "Operating and maintenance service" means the supplying by a lessor

<sup>7</sup> 7 F.R. 5909, 6269, 6744, 8023, 8359, 8347, 9195, 10231, 10760, 11012; 8 F.R., 856.

of construction or road maintenance equipment, in connection with the rental thereof, of any or all of the following services, or supplies, required in the operation of such equipment: Operator, mechanic, oiler, fuel, oil, lubrication, repairs (other than repairs due to normal wear and tear), and any other services incidental thereto.

(ii) "Repair and rebuilding service" means the supplying by any person of any service in connection with the repair, overhaul or rebuilding of construction and road maintenance equipment, independent of the rental of such equipment and irrespective of whether such service is supplied in the shop or on the job.

(6) "Daily period" means a period of 24 consecutive hours.

(7) "Weekly period" means a period of 7 consecutive daily periods.

(8) "Monthly period" means the period from any day in one month to the corresponding day in the succeeding month, if any, or if none, to the end of such succeeding month; except that for the purposes of § 1399.3 the term "monthly period" means a period of 30 daily periods.

(9) (i) "Bare" basis refers to any lease, contract, or understanding (except such as is described in (iii) below), regardless of whether the same is denominated a rental agreement, or forms a part of another agreement, whereby one party undertakes to furnish another party with any construction or road maintenance equipment, without supplying any operating and maintenance services required in connection therewith, for any use and for any consideration, regardless of how such consideration is determined.

(ii) "Fully operated" basis refers to any lease, contract, or understanding (except such as is described in (iii) below), regardless of whether the same is denominated a rental agreement, or forms a part of another agreement, whereby one party undertakes to furnish for the use of, or use for, another party any construction or road maintenance equipment and to supply all operating and maintenance services required in connection therewith, for any purpose and for any consideration, regardless of how such consideration is determined. "Partially operated" basis refers to the same sort of lease, contract or understanding as aforesaid, except that the party furnishing the equipment does not supply all, but only some, of the operating and maintenance services required in connection therewith.

(iii) Neither of the foregoing definitions embrace, nor does this regulation apply to, a situation wherein the party furnishing to or using for another party any construction or road maintenance equipment is, pursuant to the terms of a written contract and according to the laws of the State where the work is to be

performed, an independent contractor, liable to the other contracting party only for a particular result in respect to such work and is not subject to the control of such other party as to the means or methods by which such result is to be accomplished.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 as amended shall apply to other terms used herein.

§ 1399.13 *Effective date.* This Maximum Price Regulation No. 134, (§§ 1399.1 to 1399.10 inclusive) shall become effective May 11, 1942.

[Issued April 28, 1942]

§ 1399.13a *Effective dates of amendments.* [Effective dates of amendments are shown in notes indicating parts amended.]

§ 1399.14 *Rental rates; General provisions.* Rental rates as set forth in the following Tables of Rates (§§ 1399.15 and 1399.16) are for "bare" equipment, unless otherwise specifically provided, and do not include charges for operator, mechanic, oiler, fuel, oil, lubricants, repairs or maintenance (except repairs or maintenance due to normal wear and tear), or any other charge which is properly a part of any "operating and maintenance service", as herein defined. The rental rates set forth in these Tables do include allowance for the cost of all repairs and overhaul required as a result of normal wear and tear of equipment. This means that: (a) When equipment is on bare rental and breaks down as a result of normal wear and tear, lessor cannot charge lessee with the cost of repairs, or any rental for time lost while repairs are being made. (b) Where equipment is on bare rental and breaks down as a result of any cause other than normal wear and tear, lessor can charge lessee with the cost of repairs and with rental for possession of equipment during time while repairs are being made. (c) However, where equipment is on bare rental, the lessee may at his own expense always make minor repairs, regardless of the cause of breakdown, where such repairs are necessary to keep the job going, but he may not charge the cost of such repairs to the lessor or deduct the time lost for making repairs from the rental period without the lessor's consent. (d) In any instance where there is a breakdown of equipment on "bare" rental, the cause of such breakdown is a question of fact that must be determined between the lessor and the lessee. (e) In any instance where there is a breakdown of equipment on "fully operated" rental, the lessor cannot charge the lessee with any rental, or for any "operating and maintenance service", for the time lost during the breakdown, or with the costs of any repairs occasioned thereby.

# § 1399.15 *Appendix A: Table of rates for construction and road maintenance equipment.*

NOTE: Unless otherwise specified manufacturers' ratings shall be used to classify equipment listed in this Appendix for determining applicable rental rates.

## AIR COMPRESSORS—PORTABLE

[Two Stage and New Design Single Stage—Water Cooled or Air Cooled]

### HIGH-PRESSURE—GASOLINE

Free air delivered at 100 pounds		Per month	Per week	Per day
From and not including (cubic feet)	To and including (cubic feet)			
.....	60.....	\$90.00	\$30.00	\$7.50
60.....	65.....	100.00	33.00	8.25
65.....	85.....	116.00	38.00	9.50
85.....	105.....	140.00	47.00	11.75
105.....	160.....	185.00	62.00	15.50
160.....	210.....	260.00	87.00	21.75
210.....	316.....	360.00	120.00	30.00

### HIGH-PRESSURE—DIESEL

.....	105.....	\$162.00	\$54.00	\$13.50
105.....	160.....	224.00	75.00	19.00
160.....	210.....	263.00	88.00	22.50
210.....	316.....	414.00	138.00	34.50
316.....	365.....	450.00	150.00	37.50
365.....	425.....	495.00	165.00	41.00
425.....	600.....	608.00	203.00	51.00
600.....	600.....	730.00	243.00	61.00

### SINGLE STAGE (OVER 5 YEARS)

Maximum rental per month \$1.00 per cu. ft. of free air delivered at 100 lbs. pressure. Maximum rate per week 1/4 of maximum rate per month. Maximum rate per day 1/12 of maximum rate per month.

## AIR COMPRESSORS—STATIONARY

HIGH PRESSURE WITH ELECTRIC MOTOR AND BELT OR COUPLING

Piston displacement		Per month	Per week	Per day
From and not including (cubic feet)	To and including (cubic feet)			
.....	40.....	\$40.00	\$15.00	\$3.75
40.....	55.....	50.00	17.00	4.50
55.....	72.....	60.00	20.00	5.00
72.....	95.....	80.00	27.00	7.00
95.....	125.....	92.00	31.00	7.75
125.....	160.....	125.00	42.00	10.50
160.....	215.....	165.00	55.00	13.00
215.....	270.....	188.00	63.00	15.75
270.....	370.....	220.00	70.00	18.25
370.....	470.....	250.00	83.00	21.00
470.....	670.....	280.00	93.00	23.00

LOW PRESSURE WITH ELECTRIC MOTOR AND BELT OR COUPLING

[40 LBS. AND UNDER]

Piston displacement		Per month	Per week	Per day
From and not including (cubic feet)	To and including (cubic feet)			
.....	600.....	\$220.00	\$83.00	\$21.00
600.....	1200.....	365.00	121.00	30.00

**AIR COMPRESSORS—PORTABLE—Continued**  
**HIGH PRESSURE WITH GASOLINE-ENGINE AND BELT OR COUPLING**

Piston displacement		Per month	Per week	Per day
From and not including— (cubic feet)	To and including— (cubic feet)			
30.....	46.....	\$40.00	\$13.00	\$3.50
46.....	60.....	60.00	20.00	5.00
60.....	72.....	75.00	25.00	6.50
72.....	95.....	85.00	28.00	7.00
95.....	125.....	100.00	33.00	8.50
125.....	160.....	130.00	43.00	10.75
160.....	215.....	163.00	54.00	13.50
215.....	270.....	220.00	73.00	18.25
270.....	370.....	267.00	89.00	22.00
370.....	470.....	350.00	117.00	29.00
470.....	570.....	450.00	150.00	37.00
570.....	.....	550.00	183.00	46.00

Maximum rental prices calculated upon the basis of the above rates shall apply to the above equipment with or without any one or more of the following: idler, unloader, automatic oiler, starter.

**AIR RECEIVERS**

Piston displacement		Per month	Per week	Per day
From and not including— (cubic feet)	To and including— (cubic feet)			
3 1/2.....	8.....	\$3.15	\$1.05	\$0.25
8.....	15.....	3.85	1.25	0.30
15.....	25.....	6.30	2.10	0.50
25.....	40.....	9.10	3.00	0.75
40.....	75.....	11.90	4.00	1.00
75.....	125.....	15.40	4.75	1.25
125.....	185.....	23.00	7.75	2.00
185.....	245.....	31.00	10.25	2.50
245.....	350.....	42.00	14.00	3.50
350.....	500.....	49.00	16.25	4.00
500.....	625.....	66.00	22.00	5.50
625.....	.....	86.00	28.00	7.25

**AIR TOOLS**

	Per month	Per week	Per day
Chippers.....	\$20.00	\$6.00	\$2.50
Clay spades (one scoop) small.....	20.00	10.00	2.50
Clay spades (one scoop) large.....	25.00	12.00	3.00
Drifters.....	65.00	22.00	6.00
Grinders.....	30.00	12.00	3.00
Hoists—air 1 to 1500 lbs. inclusive, single drum.....	50.00	18.00	4.50
Hoists—air 1501 to 2500 lbs. inclusive, single drum.....	65.00	22.00	5.50
Hoists—air 1500 to 2500 lbs. inclusive, double drum.....	80.00	27.00	6.50
Hose—air up to and including 3/4 in., per 50' length.....	5.00	2.50	1.00
Hose—air over 3/4 in.—1 in., per 50' length.....	6.00	3.00	1.50
Hose whip.....	3.00	1.00	.50
Jack hammer 1 to 50 lbs. inclusive.....	20.00	14.00	3.50
Jack hammer 51 to 65 lbs. inclusive.....	35.00	16.00	3.75
Jack hammer 66 to 80 lbs. inclusive.....	40.00	18.00	4.00
Mounted jack hammer.....	60.00	20.00	5.00
Paving breakers 1 to 65 lbs. inclusive.....	30.00	14.00	3.50
Paving breakers 70 to 90 lbs. inclusive.....	35.00	15.00	3.50
Rivet buckers.....	14.00	5.00	1.50
Rivet hammers.....	25.00	10.00	3.50
Saws—air.....	50.00	20.00	5.00
Sheeting drivers—air.....	54.00	18.00	4.50
Stoppers.....	60.00	20.00	5.00
Tampers.....	25.00	12.50	3.50
Vibrators, concrete (small).....	30.00	12.00	3.00
Vibrators, concrete (medium).....	45.00	18.00	4.50
Vibrators, concrete (large).....	65.00	22.00	5.50
Wagon drills (with air hoist).....	165.00	50.00	10.00

All above air hose includes couplings, on both ends. Tools do not include air hose which is separate item.

**AIR TOOLS—Continued**
**DRILL STEELS**

From and not including		To and including		Per month	Per week
Feet	Inches	Feet	Inches		
3.....	7 1/2.....	3.....	7 1/2.....	\$1.00	\$0.25
4.....	7 1/2.....	4.....	7 1/2.....	1.25	.60
5.....	7 1/2.....	5.....	7 1/2.....	2.00	.80
7.....	7 1/2.....	7.....	7 1/2.....	2.25	1.00
9.....	7 1/2.....	11.....	7 1/2.....	2.50	1.25

Drill steels have rock point bits or are threaded for jackbits. Rates include threads on steel.

**MOIL POINTS**

	Per month	Per week
Moil points.....	\$1.75	\$1.25

**SHARPENING EQUIPMENT—FORGE**

From and not including		Per month	Per week	Per day
Inches diameter	Inches diameter			
18.....	28.....	\$20.00	\$10.00	\$2.50
18.....	28.....	40.00	13.00	3.50

**SHARPENING EQUIPMENT—FORGING MACHINE**

Maximum diameter of steel (inch)	Per month	Per week	Per day
1 1/2.....	\$75.00	\$25.00	\$3.50
1 1/2.....	125.00	42.00	10.50
1 1/2.....	175.00	75.00	15.00

Dies included.

**ANGLEDROZERS**

For tractor of		Per month	Per week	Per day
From and not including— (Drawbar H. P.)	To and including— (Drawbar H. P.)			
42.....	65.....	\$105.00	\$35.00	\$3.50
42.....	65.....	125.00	45.00	11.00
66.....	89.....	145.00	49.00	12.00
89.....	135.....	175.00	55.00	14.00

When angledrozer is rented with tractor, tractor and tractor winch or hydraulic pump rental may be added.

**BACKFILLERS**
**CRAWLER TRACTION—GASOLINE OR DIESEL MOTORED**

From and not including		Per month	Per week	Per day
(Belt H. P.)	To and including— (Belt H. P.)			
24.....	38.....	\$325.00	\$105.00	\$27.00
38.....	40.....	355.00	125.00	32.00
40.....	50.....	575.00	185.00	45.00

Maximum rental prices calculated upon the basis of the above rates shall apply to the above equipment with or without any one or more of the following: scraper, tamper and necessary accessories.

**BACKFILLER ATTACHMENTS**
**FOR CRAWLER TRACTORS**

For tractor of—		Per month	Per week	Per day
From and not including— (drawbar horsepower)	To and including— (drawbar horsepower)			
30.....	40.....	\$100.00	\$100.00	\$25.00

**BATCHERS WEIGHING, BIN GATES, BINS**

Maximum monthly rates on weighing batchers, bin gates or bins shall not exceed 95% of the highest maximum price established by the Office of Price Administration for the sale of the nearest equivalent new weighing batchers, bin gates or bins to any domestic class of purchasers. The maximum weekly rate shall not exceed 1/3 of the maximum monthly rate. The maximum daily rate shall not exceed 1/2 of the maximum monthly rate.

**BOILERS**

The following rates are maximum regardless of the number of hours used within the rental period:

**VERTICAL**

From and not including		Per month	Per week	Per day
(boiler horsepower)	To and including— (boiler horsepower)			
18.....	24.....	\$10.00	\$13.00	\$3.25
18.....	24.....	75.00	23.00	6.25
24.....	32.....	87.00	29.00	7.25
32.....	45.....	100.00	33.00	8.50
45.....	60.....	125.00	42.00	10.50

**HORIZONTAL—LOCOMOTIVE TYPE**

From and not including		Per month	Per week	Per day
(boiler H. P.)	To and including— (boiler H. P.)			
45.....	70.....	\$100.00	\$33.00	\$3.50
45.....	70.....	110.00	37.00	9.00
70.....	90.....	125.00	42.00	10.50
90.....	125.....	175.00	58.00	15.00
125.....	175.....	250.00	67.00	17.00

**BROOMS, ROAD TOWED**
**ENGINE-DRIVEN**

Monthly	Weekly	Daily
\$32.00.....	\$27.25	\$5.80

**TRACTION-DRIVEN**

Monthly	Weekly	Daily
\$24.00.....	\$21.25	\$5.25

NOTE: Brush wear may be involved in addition to rental rate.

# BUCKETS CLAMSHELL

Cubic yards	Per month	Per week	Per day
1/4	\$62.00	\$20.00	\$5.00
3/4	67.00	22.00	5.50
1	75.00	25.00	6.25
1 1/4	80.00	26.00	6.50
1 1/2	90.00	30.00	7.50
1 3/4	105.00	35.00	8.75
2	125.00	42.00	10.50
2 1/4	140.00	46.00	11.50
2 1/2	148.00	47.00	11.75
2 3/4	155.00	52.00	13.00
3	210.00	70.00	17.50
3 1/2	225.00	75.00	18.75
4	275.00	92.00	23.00
4 1/2	350.00	117.00	29.25

# CONCRETE—BOTTOM DUMP

Cubic yards	Per month	Per week	Per day
Under 1/2	\$10.00	\$3.50	\$1.00
1/2	20.00	6.75	1.75
3/4	23.00	7.75	2.00
1	35.00	11.50	3.00
1 1/4	40.00	13.25	3.25
1 1/2	50.00	16.75	4.25
1 3/4	71.00	24.00	6.00
2	105.00	35.00	8.75

# TIP OVER

From and not including— (cubic feet)	To and including— (cubic feet)	Per month	Per week	Per day
	16	\$15.00	\$5.00	\$1.25
16	26	18.00	6.00	1.50
26	38	20.00	6.75	1.75
38	53	23.00	7.75	2.00
53	70	30.00	10.00	2.50

# DRAGLINE

Cubic yards	Per month	Per week	Per day
1/4	\$50.00	\$17.00	\$4.25
3/4	55.00	18.25	4.50
1	66.00	22.00	5.50
1 1/4	75.00	25.00	6.25
1 1/2	85.00	28.00	7.00
1 3/4	95.00	32.00	8.00
2	105.00	35.00	8.75
2 1/4	116.00	37.00	9.00
2 1/2	125.00	42.00	10.50
2 3/4	133.00	44.00	11.00
3	140.00	47.00	11.75
3 1/2	150.00	50.00	12.50
4	158.00	53.00	13.25
4 1/2	165.00	55.00	13.75

# ORANGE PEELS

From and not including— (cubic feet)	To and including— (cubic feet)	Per month	Per week	Per day
	6	\$75.00	\$25.00	\$6.25
6	10	100.00	33.00	8.25
10	22	125.00	42.00	10.50
22	33	150.00	50.00	12.50
Cubic yards				
1 1/4		175.00	58.00	14.50
1 1/2		200.00	67.00	16.50
2		225.00	75.00	18.75
2 1/2		250.00	83.00	21.00
3		275.00	92.00	23.00

# BUCKETS—Continued TOWER

From and not including— (cubic feet)	To and including— (cubic feet)	Per month	Per week	Per day
	11	\$15.00	\$5.00	\$1.50
11	19	25.00	8.50	2.00
19	36	30.00	10.00	2.50

Maximum rental prices calculated upon the basis of the above rates shall apply to the above equipment with or without top and bottom switches.

# BULLDOZERS

For tractor of—		Per month	Per week	Per day
From and not including— (drawbar H. P.)	To and including— (drawbar H. P.)			
	42	\$88.00	\$29.00	\$7.25
42	66	110.00	37.00	9.25
66	89	120.00	40.00	10.00
89	135	145.00	48.00	12.00

When bulldozer is rented with tractor, tractor and tractor winch all hydraulic pump rental may be added.

# CAGES—MATERIAL

## WITH SHEAVES

	Per month	Per week	Per day
All sizes—single	\$20.00	\$7.00	\$2.00
All sizes—double	30.00	10.00	2.50

# OARTS

## CONCRETE

	Per month	Per week
6 cu. ft. with legs steel wheels	\$6.00	\$2.00
6 cu. ft. with rubber-tired wheels	12.00	4.00
9-11 cu. ft. inclusive with rubber-tired wheels	15.00	5.00

# CEMENT PLANTS—BULK

## WITH MECHANICAL HANDLING EQUIPMENT

Maximum monthly rates on bulk cement plants with mechanical handling equipment shall not exceed 11% of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of the nearest equivalent new cement plants to any domestic class of purchasers. The maximum weekly rate shall not exceed 1/3 of the maximum monthly rate, the maximum daily rate shall not exceed 1/2 of the maximum monthly rate.

# CHUTES

## CONCRETE—SWIVEL HEAD

From and not including— (feet)	To and including— (feet)	Per month	Per week
	15	\$5.00	\$2.00
15	25	10.00	3.00
25	35	15.00	5.00

# COLUMN OLAMPS

Size of clamp, from and not including (inches)	To and including (inches)	Per month	Per week
		Per set	Per set
40	40	\$0.25	\$0.10
50	50	.30	.10
50	60	.35	.10

The above rates are maximum regardless of the number of hours used within the rental period.

# CONVERTERS

## ROTARY

	Per month	Per week	Per day
1,000 watt, 110 DC to 110 AC	\$15.00	\$5.00	\$1.50

# CRANES

(1) All crane rates are for cranes complete with factory length boom and do not include buckets.

(2) If the lessee requires and the lessor furnishes a boom longer than factory standard or other special accessories, the maximum additional rental rate with respect to all types of cranes listed in this Appendix A, shall be (a) on a monthly basis, 5 1/2 % per month of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of the nearest equivalent new such additional length boom or special accessories to any domestic class of purchasers, (b) on a weekly basis, 1/3 of the foregoing maximum monthly rate, (c) on a daily basis, 1/2 of the foregoing maximum monthly rate.

(3) Crawler crane capacities are based upon 75% of tipping load, without outriggers. Locomotive crane capacities are based upon 83% tipping load, without outriggers.

## CRAWLER—GASOLINE ENGINE POWERED

From and not including— (tons)	To and including— (tons)	Radius (feet)	Per month	Per week	Per day
5	5	10	\$350.00	\$117.00	\$29.00
5	6 1/2	10	400.00	133.00	33.00
4 1/2	7 1/2	12	450.00	150.00	38.00
7 1/2	8 1/2	12	500.00	167.00	42.00
8 1/2	14 1/2	12	600.00	200.00	50.00
14 1/2	19 1/2	12	675.00	225.00	56.00
19 1/2	24 1/2	12	750.00	250.00	62.00
24 1/2	33 1/2	12	975.00	325.00	81.00
15	18 1/2	20	1,200.00	400.00	100.00
18 1/2	26	20	1,400.00	467.00	117.00
8	9 1/2	45	1,700.00	567.00	142.00
9 1/2	14 1/2	45	2,000.00	667.00	167.00

## CRAWLER—DIESEL ENGINE POWERED

From and not including— (tons)	To and including— (tons)	Radius (feet)	Per month	Per week	Per day
5	5	10	\$350.00	\$117.00	\$29.00
5	6 1/2	10	450.00	150.00	38.00
4 1/2	7 1/2	12	500.00	167.00	42.00
7 1/2	8 1/2	12	600.00	200.00	50.00
8 1/2	14 1/2	12	700.00	233.00	59.00
14 1/2	19 1/2	12	800.00	267.00	67.00
19 1/2	24 1/2	12	900.00	300.00	75.00
24 1/2	33 1/2	12	1,020.00	340.00	85.00
15	18 1/2	20	1,200.00	400.00	100.00
18 1/2	26	20	1,400.00	467.00	117.00
8	9 1/2	45	2,000.00	667.00	167.00
9 1/2	14 1/2	45	2,220.00	747.00	189.00
14 1/2	20	45	2,725.00	908.00	227.00



## CRANES—Continued

## CRAWLER—STEAM ENGINE POWERED

From and not including—(tons)	To and including—(tons)	Radius (feet)	Per month	Per week	Per day
9	13½	10	\$400.00	\$133.00	\$33.00
13½	18½	12	475.00	158.00	40.00
18½	24½	12	600.00	200.00	50.00
24½	30½	12	725.00	242.00	60.00
30½	40½	12	950.00	317.00	79.00
40½		12	1,400.00	467.00	117.00

## LOCOMOTIVE—GASOLINE ENGINE POWERED

From and not including—(tons)	To and including—(tons)	Radius (feet)	Per month	Per week	Per day
17	22	10	\$900.00	\$300.00	\$75.00
22	27	10	1,050.00	350.00	88.00
27	32	12	1,100.00	367.00	92.00
32	37	12	1,300.00	430.00	108.00
37	42	12	1,500.00	500.00	125.00
42		12	1,700.00	567.00	142.00

## LOCOMOTIVE—DIESEL ENGINE POWERED

From and not including—(tons)	To and including—(tons)	Radius (feet)	Per month	Per week	Per day
17	22	10	\$950.00	\$327.00	\$82.00
22	27	10	1,100.00	367.00	92.00
27	32	12	1,200.00	400.00	100.00
32	37	12	1,400.00	467.00	116.00
37	42	12	1,600.00	530.00	133.00
42		12	1,725.00	575.00	144.00

## LOCOMOTIVE—STEAM ENGINE POWERED

From and not including—(tons)	To and including—(tons)	Radius (feet)	Per month	Per week	Per day
17	22	12	\$850.00	\$283.00	\$71.00
22	27	12	975.00	325.00	81.00
27	32	12	1,020.00	340.00	85.00
32	37	12	1,180.00	393.00	98.00
37	42	12	1,315.00	438.00	109.00
42		12	1,500.00	500.00	125.00

## TRUCK, GASOLINE OR DIESEL ENGINE POWERED

COMPLETE WITH BOOM AND MOUNTED ON TRUCK BUT NOT INCLUDING BUCKET

Manufacturer's rating—		Radius (feet)	Per month (equipment only)	Per week (equipment only)	Per day (equipment only)	Hourly operating cost feet
From and not including—pounds	To and including—pounds					
5,000	9,500	10	\$500.00	\$167.00	\$41.75	\$5.00
9,500	14,000	10	555.00	185.00	46.25	5.25
14,000	18,000	10	700.00	230.00	58.25	5.50
18,000	24,000	10	780.00	260.00	65.00	5.75
24,000	29,000	10	925.00	300.00	77.00	6.00
29,000	40,000	10	1,200.00	400.00	100.00	6.25

Monthly, weekly and daily truck crane rates do not include any operating or maintenance service.

Hourly operating service rates include fuel, lubrication, operating crew of two, taxes and insurance based upon payroll, repairs in excess of normal wear and tear and markup. The maximum hourly rental period may begin when truck crane leaves for job and cease when truck crane returns to warehouse.

When the lessor is required to pay his truck crane operating crew overtime wages because of overtime operation of the crane the lessor may make an additional charge equal to the amount paid in excess of straight-time wages plus taxes and insurance on the additional amount.

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## CRUSHERS-JAW

(No accessories—without power)

	Per month	Per week	Per day
Opening 6 x 12	\$15.00	\$18.00	\$4.50
Opening 8 x 15	25.00	30.00	7.50
Opening 9 x 16	35.00	42.00	10.50
Opening 8 x 21	110.00	132.00	33.00
Opening 9 x 21	125.00	150.00	37.50
Opening 9 x 24	135.00	162.00	40.50
Opening 10 x 16	135.00	162.00	40.50
Opening 10 x 20	155.00	186.00	46.50
Opening 10 x 24	160.00	192.00	48.00
Opening 10 x 26	210.00	252.00	63.00
Opening 10 x 40	225.00	270.00	67.50
Opening 12 x 24	220.00	264.00	66.00
Opening 12 x 26	235.00	282.00	70.50
Opening 12 x 33	300.00	360.00	90.00
Opening 18 x 33	420.00	504.00	126.00

The above rates include crusher being furnished with good, serviceable manganese

jaws and equipment must be returned with jaws in the same condition.

If jaws are worn out or broken during job, replacement must be made by lessee.

These crusher rates do not include such equipment as elevators, screens or motive power. Elevators and screens are not generally rented and in no case are they rented except with a crusher. When they are rented the maximum monthly rate shall not exceed 10% of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of the nearest equivalent new elevators and screens to any domestic class of purchasers. The maximum weekly rate may not exceed 1/3 of the maximum monthly rate, the maximum daily rate shall not exceed 1/2 of the maximum monthly rate.

[Paragraphs as amended by Amendment 5, 7 P.R. 9785, effective 10-22-42]

## DERRICKS

## STIFF LEG—WITH SILLS

From and not including—(tons)	To and including—(tons)	Beam length (feet)	Max height (feet)	Per month	Per week	Per day
4	6	20-60	23 and under	\$100.00	\$33.00	\$8.25
6	8	20-60	23 and under	215.00	72.00	18.00
8	10	20-100	Over 23	230.00	77.00	19.25
10	12	20-60	23 and under	220.00	73.00	18.25
12	14	20-100	Over 23	230.00	77.00	19.25
14	16	20-60	23 and under	225.00	75.00	18.75
16	18	20-100	Over 23	230.00	77.00	19.25
18	20	20-60	23 and under	230.00	77.00	19.25
20	22	20-100	Over 23	230.00	77.00	19.25
22	24	20-60	23 and under	230.00	77.00	19.25
24	26	20-100	Over 23	230.00	77.00	19.25
26	28	20-60	23 and under	230.00	77.00	19.25
28	30	20-100	Over 23	230.00	77.00	19.25
30	32	20-60	23 and under	230.00	77.00	19.25
32	34	20-100	Over 23	230.00	77.00	19.25
34	36	20-60	23 and under	230.00	77.00	19.25
36	38	20-100	Over 23	230.00	77.00	19.25
38	40	20-60	23 and under	230.00	77.00	19.25
40	42	20-100	Over 23	230.00	77.00	19.25

## STIFF LEG—WITHOUT SILLS

From and not including—(tons)	To and including—(tons)	Beam length (feet)	Max height (feet)	Per month	Per week	Per day
4	6	20-60	23 and under	\$90.00	\$30.00	\$7.50
6	8	20-60	23 and under	180.00	60.00	15.00
8	10	20-100	Over 23	230.00	77.00	19.25
10	12	20-60	23 and under	155.00	52.00	13.25
12	14	20-100	Over 23	210.00	70.00	17.50
14	16	20-60	23 and under	215.00	72.00	18.00
16	18	20-100	Over 23	220.00	73.00	18.50
18	20	20-60	23 and under	220.00	73.00	18.50
20	22	20-100	Over 23	220.00	73.00	18.50
22	24	20-60	23 and under	220.00	73.00	18.50
24	26	20-100	Over 23	220.00	73.00	18.50
26	28	20-60	23 and under	220.00	73.00	18.50
28	30	20-100	Over 23	220.00	73.00	18.50
30	32	20-60	23 and under	220.00	73.00	18.50
32	34	20-100	Over 23	220.00	73.00	18.50
34	36	20-60	23 and under	220.00	73.00	18.50
36	38	20-100	Over 23	220.00	73.00	18.50
38	40	20-60	23 and under	220.00	73.00	18.50
40	42	20-100	Over 23	220.00	73.00	18.50

## CIRCLE SWING

From and not including—(lbs.)	To and including—(lbs.)	Per month	Per week	Per day
1,400	2,500	\$15.00	\$5.00	\$1.50
2,500	3,600	17.00	6.00	1.60
3,600		22.00	7.00	2.00

Maximum rental prices calculated upon the basis of the above rates shall apply to equipment with the following items: winch, cable and load block.

## POLE

	Per month	Per week	Per day
4 x 6—22 feet	\$10.00	\$4.00	\$2.00
6 x 6—22 feet	12.50	4.60	2.60
8 x 8—22 feet	15.00	4.50	2.50
8 x 8—22 feet	17.50	5.60	3.00

Maximum rental prices calculated upon the basis of the above rates shall apply to the above equipment with the following items: winch, cable and load block.

DERRICKS—Continued  
Guy

From and not including—(tons)	To and including—(tons)	Boom length (feet)	Mast height (feet)	Per month	Per week	Per day
5½	5½	50-80	Under 90	\$115.00	\$38.00	\$9.50
5½	5½	70-100	90 and over	170.00	57.00	14.25
8½	8½	50-80	Under 90	135.00	45.00	11.25
8½	8½	70-100	90 and over	185.00	62.00	15.50
10½	10½	50-80	Under 90	155.00	52.00	13.00
10½	10½	70-100	90 and over	195.00	65.00	16.25
13	13	50-80	Under 90	175.00	58.00	14.50
13	13	70-100	90 and over	215.00	72.00	18.00
17	17	50-80	Under 90	195.00	65.00	16.25
17	17	70-110	90 and over	245.00	82.00	20.00
22	22	50-80	Under 90	230.00	77.00	19.25
22	22	70-110	90 and over	275.00	92.00	23.00
27	27	50-80	Under 95	290.00	97.00	24.00
27	27	70-110	95 and over	340.00	113.00	28.00
35	35	50-80	Under 105	340.00	113.00	28.00
35	35	80-110	105 and over	380.00	127.00	32.00
45	45	50-80	Under 105	400.00	133.00	33.00
45	45	100-120	105 and over	450.00	150.00	37.00
		50-80	Under 105	475.00	158.00	40.00
		90-120	105 and over	520.00	173.00	43.00

## SETTER

	Per month	Per week	Per day
22-foot top point	\$15.00	\$5.00	\$3.00
22-foot regular	15.00	5.00	3.00

Maximum rental prices calculated upon the basis of the above rates shall include winch, cable, and load block.

## STIFF LEG—WOOD

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
1½	1½	\$35.00	\$12.00	\$3.00
2½	2½	50.00	17.00	4.50
3½	3½	75.00	25.00	6.50
4½	4½	100.00	33.00	8.50
5½	5½	125.00	42.00	10.50
6½	6½	150.00	50.00	12.50
12½	30	200.00	67.00	17.00

## TOWER

	Per month	Per week	Per day
Any size	\$25.00	\$8.50	\$2.00

Cable not included.

## TRIPOD

Width (feet)	Capacity	Per month	Per week	Per day
12	2-4,000 lbs.	\$20.00	\$7.00	\$2.00
14	2-4,000 lbs.	25.00	8.50	2.00

Maximum rental prices calculated upon the basis of the above rates shall apply to equipment with the following items included: cable, load block, and hand winch.

## DRAGLINE EXCAVATORS

## GASOLINE/ENGINE DRIVEN—BUCKET INCLUDED

Capacity of machine when used as a power shovel (cubic yards)	Per month	Per week	Per day
¾	\$415.00	\$138.00	\$35.00
1½	500.00	167.00	42.00
2½	525.00	175.00	44.00
3½	600.00	200.00	50.00
4½	750.00	250.00	62.00
5½	860.00	287.00	72.00
6½	1,025.00	342.00	85.00
7½	1,250.00	417.00	104.00
8½	1,500.00	500.00	125.00
9½	2,100.00	700.00	175.00

## DRAGLINE EXCAVATORS

## DIESEL ENGINE DRIVEN—BUCKET INCLUDED

Capacity of machine when used as power shovel (cubic yards)	Per month	Per week	Per day
¾	\$500.00	\$167.00	\$42.00
1½	525.00	175.00	44.00
2½	580.00	193.00	49.00
3½	675.00	225.00	56.00
4½	890.00	297.00	74.00
5½	1,010.00	337.00	84.00
6½	1,150.00	383.00	96.00
7½	1,600.00	533.00	133.00
8½	1,800.00	600.00	150.00
9½	2,350.00	783.00	196.00
10½	2,850.00	950.00	238.00
11½	3,150.00	1,050.00	262.00

## STEAM—BUCKET INCLUDED

Capacity of machine when used as a power shovel (cubic yards)	Per month	Per week	Per day
1½	\$485.00	\$162.00	\$40.00
2½	545.00	182.00	46.00
3½	600.00	200.00	50.00
4½	860.00	287.00	72.00
5½	1,000.00	333.00	83.00
6½	1,400.00	467.00	116.00

Where the dragline is not convertible into a shovel, the maximum rental rate may not exceed the corresponding crane rate (based upon 75% of tipping load) plus the applicable bucket rate, as established in this regulation.

## DRILLS—ROTATING

## AIR—WOOD

From and not including—(inches)	To and including—(inches)	Per month	Per week
1½	1½	\$10.00	\$3.50
1½	3	20.00	7.00
3	5	30.00	10.00

## AIR—METAL

Inches	Per month	Per week
1½	\$12.00	\$4.00
3	15.00	5.00
4	25.00	8.50
6	35.00	12.00
8	40.00	13.00

DRILLS—ROTATING—Continued  
AIR—CLOSE QUARTER

Inches	Per month	Per week
¾	\$15.00	\$5.00
1¼	25.00	8.50
2	35.00	12.00

Maximum rental prices calculated upon the basis of the above rates shall apply to equipment with boring chuck mandrel or plate for attaching or holding these items included. However, drill bits, augers, or grinding wheels are not included.

## ELECTRIC

Inches	Per month	Per week
1¼	\$6.00	\$2.00
1½	8.00	2.75
2	11.00	3.75
2½	12.00	4.00
3	13.00	4.25
4	17.00	5.75

Maximum rental prices calculated upon the basis of the rates shall apply to equipment with standard length electric cable included.

## DUMP CARS

## 24" TO 36" GAUGE

From and not including—(cubic yard)	To and including—(cubic yard)	Per month	Per week
¾	¾	\$20.00	\$7.00
¾	1¼	25.00	8.50
1¼	1¼	35.00	12.00
1¼	2¼	45.00	15.00

## ELEVATING GRADERS

## POWER

Belt width (inches)	Per month	Per week	Per day
42	\$350.00	\$117.00	\$29.00
48	400.00	133.00	33.00

## GEAR-DRIVEN

	Per month	Per week	Per day
40 in. to 44 in. inclusive, hand control	\$100.00	\$33.00	\$8.50

## TAKE-OFF

	Per month	Per week	Per day
45 in. and under, power control	\$275.00	\$92.00	\$23.00
Over 45 in. to 52 in. inclusive, power control	300.00	100.00	25.00
32 in. to 40 in. inclusive, hand control	225.00	75.00	19.00

## ENGINES

## SINGLE CYLINDER—GASOLINE

From and not including continuous rating (H. P.)	To and including continuous rating (H. P.)	Per month	Per week	Per day
1½	1½	\$10.00	\$3.50	\$1.00
1½	2½	12.00	4.00	1.00
2½	3½	14.00	4.75	1.25
3½	4½	16.00	5.50	1.50
4½	5½	18.00	6.00	1.50
5½	6½	20.00	7.00	2.00

### ENGINES—Continued

#### 2, 4 OR 6 CYLINDER WITH CLUTCH—GASOLINE

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
13	22	\$25.00	\$5.00	\$2.00
22	30	40.00	13.00	3.50
30	40	50.00	17.00	4.50
40	55	60.00	20.00	5.00
55	70	70.00	23.00	6.00
70	90	80.00	26.00	7.50
90	115	127.00	42.00	10.50
115	140	180.00	60.00	15.00
140	165	245.00	82.00	20.00
165		320.00	107.00	27.00

#### DIESEL—WITH CLUTCH

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
13	22	\$37.00	\$12.50	\$3.25
22	30	60.00	20.00	5.00
30	40	75.00	25.00	6.50
40	55	90.00	30.00	7.50
55	70	105.00	35.00	9.00
70	90	135.00	45.00	11.00
90	115	210.00	70.00	17.50
115	140	245.00	82.00	20.00
140	165	295.00	98.00	24.00
165	210	445.00	148.00	37.00
210	235	515.00	172.00	43.00
235		635.00	212.00	53.00
235		785.00	262.00	65.00

#### STEAM—VERTICAL

	Per month	Per week	Per day
5 to 20 H. P., inclusive	\$20.00	\$7.00	\$2.00

#### STEAM—SWING

	Per month	Per week	Per day
5 inch bore by 6 inch stroke	\$35.00	\$12.00	\$3.00
6½ inch bore by 8 inch stroke	50.00	16.50	4.50

#### EXTRACTORS, PILE

Manufacturer	Model	Per month	Per week	Per day
McKiernan Terry Corp.	E2	\$125.00	\$42.00	\$10.50
	E4	195.00	65.00	16.50
Vulcan	200A	100.00	33.25	8.25
	400A	130.00	43.25	10.75
	800A	220.00	73.25	18.25

Trade names are mentioned to indicate size. Extractors of manufacturers not mentioned shall be subject to the same rates as similar sizes and types of trade names mentioned.

#### FINEGRADERS

##### SELF-POWERED

Maximum cutting width		Per month	Per week	Per day
From and not including—(feet)	To and including—(feet)			
11	16	\$500.00	\$166.75	\$41.75
16	26	850.00	216.75	54.25
		850.00	283.25	70.75

#### FINISHING MACHINES

##### CONCRETE FLOOR-TROWEL GASOLINE OR ELECTRIC

	Per month	Per week	Per day
All sizes	\$60.00	\$20.00	\$5.00

### CONCRETE ROAD MACHINE

#### (ENGINES, TAMING ATTACHMENT)

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
9	12	\$424.00	\$141.25	\$35.25
12	18	447.00	149.00	37.25
18	24	474.00	158.00	39.50
24	30	485.00	161.67	40.42
30	35	519.00	173.00	43.25

#### VIBRATORS FOR FINISHING MACHINE

Double pan		Per month	Per week	Per day
From and not including—(feet)	To and including—(feet)			
12	18	\$165.00	\$55.00	\$14.00
18	24	199.00	66.33	16.60
24	30	215.00	71.67	18.00
30	35	275.00	91.67	23.00
35		312.00	104.00	26.00
Single pan all sizes		132.00	44.00	11.00

#### BITUMINOUS SPREADER AND FINISHER MACHINE—GASOLINE ENGINE DRIVEN

	Per month	Per week	Per day
All sizes	\$750.00	\$250.00	\$63.00

#### FLOATS

##### CONCRETE FLOOR

Compactor size		Per month	Per week	Per day
From and not including—(inches)	To and including—(inches)			
18	22	\$13.00	\$4.33	\$1.00
22	28	15.00	5.00	1.25
28	35	25.00	8.33	2.08

#### FORMS

##### SEWAGE AND ROAD

Depth (inch)	Base	Length (ft.)	Price per ft. per month
4	6 inches or less	10	\$3.67
5	6 inches or less	10	.69
6	6 inches or less	10	.19
7	6 inches or less	10	.19
8	6 inches or less	10	.11
9	6 inches or less	10	.12
10	6 inches or less	10	.13
12	6 inches or less	10	.16
7	7 inches	10	.12
7	8 inches	10	.13
8	8 inches	10	.14
9	8 inches	10	.15
9	9 inches	10	.16
10	8 inches	10	.16
10	10 inches	10	.17
4 inch cross plates for sidewalk divisions			.04

The above rates are maximum regardless of the number of hours used without the rental period.

#### FORMGRADERS

	Per month	Per week	Per day
All sizes	\$300.00	\$100.00	\$25.00

### GENERATORS

#### ELECTRIC—NO POWER OR SWITCHBOARD

From and not including—(kilowatt)	To and including—(kilowatt)	Per month	Per week	Per day
1¼	3¼	\$15.00	\$5.00	\$1.50
3¼	6	15.00	5.00	1.50
6	8	25.00	8.33	2.08
8	12½	32.00	10.67	2.67
12½	17½	43.00	14.33	3.58
17½	25	45.00	15.00	3.75
25	32½	55.00	18.33	4.58
32½	42½	60.00	20.00	5.00
42½	62½	70.00	23.33	5.83
62½		85.00	28.33	7.08

When generators are rented with gasoline, Diesel or electric power units, the maximum rental price of the complete unit will be the sum of the rentals of the separate units. An additional charge may be made for any necessary assembling or dismantling, provided such charge does not exceed the actual cost of the necessary work performed.

#### GRADERS—MOTOR

##### SELF-PROPELLED, GASOLINE, PNEUMATIC TIRED

	Per month	Per week	Per day
Single drive, light (3,000 to 14,000 lbs. inclusive)	\$275.00	\$92.00	\$23.00
Tandem drive, medium weight (14 to 18,000 lbs. inclusive)	460.00	153.33	38.33
Tandem drive, heavy duty (18,000 to 21,000 lbs. inclusive)	470.00	156.67	39.17
All wheel drive and steer	527.00	175.67	43.92

##### SELF-PROPELLED, DIESEL, PNEUMATIC TIRED

	Per month	Per week	Per day
Lightweight (1 to 10,000 lbs. inclusive)	\$242.00	\$80.67	\$20.17
Medium weight (10,001 to 18,000 lbs. inclusive)	400.00	133.33	33.33
Extra heavy duty (18,001 to 21,000 lbs. inclusive)	525.00	175.00	43.75
All wheel drive and steer	580.00	193.33	48.33

#### GRADERS

##### TOWED—MANUALLY OPERATED

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
7	9	\$50.00	\$16.67	\$4.17
9	11	100.00	33.33	8.33
11	13	150.00	50.00	12.50
13		175.00	58.33	14.58

##### TOWED—POWER OPERATED

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
9	11	\$125.00	\$41.67	\$10.42
11	13	150.00	50.00	12.50
13		225.00	75.00	18.75

#### HAMMERS

##### ELECTRIC

From and not including—(inches)	To and including—(inches)	Per month	Per week	Per day
¾	1¼	\$42.00	\$14.00	\$3.50
1¼	2	60.00	20.00	5.00
2	2½	72.00	24.00	6.00
2½		84.00	28.00	7.00

## HAMMERS—Continued

## GASOLINE

	Per month	Per week	Per day
All sizes.....	\$75.00	\$25.00	\$8.50

## PILE—DROP

From and not including—(pounds)	To and including—(pounds)	Per month	Per week	Per day
1,600.....	1,600.....	\$15.00	\$5.00	\$1.50
2,250.....	2,250.....	20.00	7.00	2.00
2,250.....	3,000.....	25.00	8.00	2.00
Cap for above.....		7.00	2.00	1.00

## PILE STEAM

Manufacturer	Model	Per month	Per week	Per day
McKiernan Terry Corp.	0.....	\$44.00	\$14.50	\$3.75
	1.....	45.00	16.00	4.00
	2.....	60.00	20.00	5.00
	3.....	65.00	21.75	5.50
	5.....	87.00	29.00	7.25
	6.....	106.00	35.25	8.75
	7.....	140.00	46.75	11.75
	OB 2 or 3.....	207.00	69.00	17.25
	10B 2 or 3.....	270.00	90.00	22.50
	11B 2 or 3.....	325.00	108.25	27.00
Union Iron Works.....	9.....	36.00	12.00	3.00
	8.....	52.00	17.25	4.25
	7A.....	75.00	25.00	6.25
	6.....	84.00	28.00	7.00
	5.....	102.00	34.00	8.50
	4.....	115.00	38.25	9.50
	3.....	130.00	43.25	10.75
	3A.....	150.00	50.00	12.50
	2.....	165.00	55.00	13.75
	1½A.....	204.00	68.00	17.00
Vulcan.....	1A.....	244.00	81.25	20.25
	1.....	232.00	77.25	19.25
	0A.....	630.00	210.00	52.00
	3.....	190.00	63.25	15.75
	2.....	225.00	75.00	18.75
	1.....	290.00	96.75	24.25
	0.....	405.00	135.00	33.75
	00.....	405.00	135.00	33.75
	0R.....	435.00	145.00	36.25
	4.....	65.00	21.75	5.50
	18C.....	175.00	58.25	14.50
	30C.....	242.00	80.75	20.25
	50C.....	315.00	105.00	26.25
	80C.....	422.00	140.75	35.25
	140C.....	873.00	291.00	73.50
	200C.....	674.00	224.75	56.25
	1800.....	232.00	77.25	19.25
	3000.....	300.00	100.00	25.00
	6000.....	410.00	136.75	34.25
	8000.....	605.00	201.75	50.60
	14000.....	872.00	290.75	72.75
	20000.....	1034.00	344.75	86.25

Trade names are mentioned to indicate size. Hammers of manufacturers not mentioned shall be subject to the same rates as similar sizes and types of trade names mentioned.

## HEATERS

## CONCRETE

For mixer		Per month	Per week	Per day
From and not including	To and including			
7 S.....	7 S.....	\$25.00	\$8.00	\$2.50
7 S.....	21 S.....	35.00	10.00	3.50

## TANK CAR

[PORTABLE—ON TWO TO FOUR WHEELS]

	Per month	Per week	Per day
1-car capacity.....	\$150.00	\$50.00	\$12.50
2-car or 3-car capacity.....	210.00	75.00	20.00

## HOISTS

## GASOLINE—SINGLE DRUM

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
8.....	8.....	\$35.00	\$12.00	\$3.00
14.....	14.....	55.00	18.00	4.50
22.....	22.....	60.00	20.00	5.00
29.....	29.....	75.00	25.00	6.50
42.....	42.....	95.00	32.00	8.00
55.....	55.....	130.00	43.00	11.00
65.....	65.....	140.00	47.00	12.00
78.....	78.....	160.00	53.00	13.00
92.....	92.....	190.00	63.00	16.00
112.....	112.....	250.00	83.00	21.00

## GASOLINE—DOUBLE DRUM

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
22.....	22.....	\$80.00	\$27.00	\$7.00
28.....	28.....	100.00	33.00	8.50
45.....	45.....	125.00	42.00	10.50
55.....	55.....	160.00	53.00	13.00
65.....	65.....	175.00	58.00	15.00
75.....	75.....	185.00	62.00	16.00
90.....	90.....	220.00	73.00	18.00
110.....	110.....	270.00	90.00	22.00

## GASOLINE—THREE DRUM

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
42.....	42.....	\$130.00	\$43.00	\$10.75
57.....	57.....	190.00	63.00	15.75
72.....	72.....	230.00	77.00	19.25
87.....	87.....	295.00	98.00	25.00
112.....	112.....	340.00	113.00	28.00
127.....	127.....	400.00	133.00	33.00

## ELECTRIC—SINGLE DRUM

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
12.....	12.....	\$48.00	\$16.00	\$4.00
17.....	17.....	60.00	20.00	5.00
27.....	27.....	75.00	25.00	6.50
37.....	37.....	100.00	33.00	8.50
47.....	47.....	115.00	38.00	9.50
57.....	57.....	130.00	43.00	11.00
67.....	67.....	150.00	50.00	12.50
77.....	77.....	160.00	53.00	13.00
92.....	92.....	200.00	67.00	17.00
112.....	112.....	300.00	100.00	25.00
137.....	137.....	350.00	127.00	32.00
177.....	177.....	440.00	137.00	37.00

## ELECTRIC—DOUBLE DRUM

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
12.....	12.....	\$58.00	\$19.00	\$5.00
17.....	17.....	72.00	24.00	6.00
27.....	27.....	90.00	30.00	7.50
37.....	37.....	120.00	40.00	10.00
47.....	47.....	138.00	46.00	11.50
57.....	57.....	156.00	52.00	13.00
67.....	67.....	171.00	57.00	14.00
77.....	77.....	192.00	64.00	16.00
92.....	92.....	240.00	80.00	20.00
112.....	112.....	350.00	117.00	29.00
137.....	137.....	450.00	150.00	37.00
177.....	177.....	525.00	175.00	44.00

## HOISTS—Continued

## ELECTRIC—THREE DRUM

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
37.....	37.....	\$123.00	\$41.00	\$10.25
47.....	47.....	165.00	55.00	13.75
57.....	57.....	185.00	62.00	15.50
67.....	67.....	235.00	78.00	20.00
77.....	77.....	295.00	98.00	25.00
82.....	82.....	360.00	120.00	30.00
112.....	112.....	485.00	162.00	40.00
137.....	137.....	545.00	182.00	46.00
177.....	177.....	620.00	207.00	52.00

The above electric hoist rates include grid resistor and drum type controller and are based on normal range of line speeds.

## HOIST STEAM

## WITHOUT BOILERS

Class	Rates	
	Per month	Per week
Single drum:		
4½ x 6.....	\$40.00	\$13.25
7 x 10.....	50.00	16.75
8½ x 10.....	70.00	23.25
8 x 12.....	76.00	25.25
9 x 10.....	80.00	26.75
10 x 12.....	111.00	37.00
Double drum:		
7 x 10.....	60.00	20.00
8½ x 10.....	85.00	28.25
9 x 10.....	95.00	31.75
10 x 12.....	120.00	42.00
Three drum:		
7 x 10.....	80.00	26.75
8½ x 10.....	100.00	33.25
9 x 10.....	110.00	36.75
10 x 12.....	141.00	47.00

## WITH BOILERS

Single drum:		
4½ x 6.....	\$60.00	\$20.00
7 x 10.....	100.00	33.25
8½ x 10.....	125.00	41.75
9 x 10.....	137.00	45.75
10 x 12.....	174.00	58.00
Double drum:		
7 x 10.....	125.00	41.75
8½ x 10.....	150.00	50.00
9 x 10.....	162.00	54.00
10 x 12.....	199.00	66.25
Three drum:		
7 x 10.....	150.00	50.00
8½ x 10.....	175.00	58.25
9 x 10.....	187.00	62.25
10 x 12.....	224.00	74.75

## AIR

	Per month	Per week	Per day
1-1,500 lbs. inclusive, single drum.....	\$50.00	\$18.00	\$4.50
1,501 lbs. to 2,500 lbs. inclusive, single drum.....	65.00	22.00	6.50
1,501 lbs. to 2,500 lbs. inclusive, double drum.....	80.00	27.00	8.00

Air hoist rates do not include hose.

## CHAIN

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
1½.....	1½.....	\$15.00	\$5.00	\$1.50
2½.....	2½.....	20.00	7.00	2.00
4.....	4.....	25.00	8.50	2.50
6½.....	6½.....	30.00	10.00	2.50
9.....	9.....	50.00	17.00	4.50
12.....	12.....	60.00	20.00	5.00

## HOPPERS

## FLOOR—SINGLE GATE—WITHOUT LEGS

	Per month	Per week	Per day
30 cu. ft. and under	\$15.00	\$5.00	\$1.50
Over 30 cu. ft. to 60 cu. ft., inclusive	20.00	7.00	2.00

## FLOOR—SINGLE GATE—WITH LEGS

	Per month	Per week	Per day
30 cu. ft. and under	\$18.00	\$6.00	\$1.50
Over 30 cu. ft. to 60 cu. ft., inclusive	24.00	8.00	2.00

## FLOOR—DOUBLE GATE—WITHOUT LEGS

	Per month	Per week	Per day
30 cu. ft. and under	\$18.00	\$6.00	\$1.50
Over 30 cu. ft. to 60 cu. ft., inclusive	24.00	8.00	2.00

## FLOOR—DOUBLE GATE—WITH LEGS

	Per month	Per week	Per day
30 cu. ft. and under	\$22.00	\$7.50	\$2.00
Over 30 cu. ft. to 60 cu. ft., inclusive	30.00	10.00	2.50

## TOWER

	Per month	Per week	Per day
30 cu. ft. and under	\$15.00	\$5.00	\$1.50
Over 30 cu. ft. to 60 cu. ft., inclusive	20.00	7.00	2.00

## TRUCK MIXER—WITH LEGS

	Per month	Per week	Per day
Special, double gate, 2- to 4-yard	\$60.00	\$20.00	\$5.00

## HOSE, DISCHARGE

## COUPLINGS ATTACHED

Diameter (inch)	Length (feet)	Per month	Per week	Per day
1½	10	\$2.00	\$0.65	\$0.15
	15	2.75	.90	.25
	20	3.75	1.25	.30
2	10	2.45	.80	.20
	15	3.50	1.15	.30
	20	4.75	1.60	.40
2½	10	3.20	1.05	.25
	15	4.30	1.45	.35
	20	6.00	2.00	.50
3	10	4.00	1.35	.30
	15	4.65	1.55	.40
	20	6.75	2.25	.55
4	10	5.30	1.75	.45
	15	7.15	2.40	.60
	20	9.00	3.00	.75
6	10	11.20	3.75	.90
	15	15.30	5.10	1.30
	20	20.00	6.65	1.65

For lengths greater than 20 feet, rental rates are determined by using unit rate of 20 feet length multiplied by the number of feet in excess and added to 20 foot rental rate.

## HOSE, JETTING

## COUPLINGS ATTACHED

Diameter (inch)	Length	Per month	Per week
2½	Per foot	\$2.23	\$2.11
3	Per foot	.59	.59

## HOSE-SUCTION

## COUPLINGS ATTACHED

Diameter (inch)	Length (feet)	Per month	Per week	Per day
1½	10	\$3.40	\$1.10	\$3.30
1½	12	4.00	1.30	0.35
1½	15	4.60	1.50	0.40
1½	20	6.25	2.10	0.50
2	10	4.20	1.40	0.35
2	12	4.80	1.60	0.40
2	15	5.40	1.80	0.50
2	20	7.75	2.60	0.65
2½	10	5.25	1.75	0.45
2½	12	6.10	2.00	0.50
2½	15	7.40	2.40	0.60
2½	20	9.00	3.00	0.80
3	10	6.00	2.00	0.50
3	12	7.00	2.30	0.60
3	15	8.20	2.80	0.70
3	20	11.00	3.75	0.90
4	10	8.00	2.75	0.65
4	12	9.40	3.10	0.80
4	15	11.25	3.75	0.95
4	20	14.70	4.90	1.20
6	10	16.70	5.50	1.40
6	12	22.00	7.30	1.80
6	15	23.00	7.75	1.95
6	20	29.00	10.00	2.50

For length greater than 20 feet, rental rates are determined by using unit rate of 20-foot length multiplied by the number of feet in excess and added to 20 foot rental rate.

## JACKS

## BRIDGE

(Geared screw or heavy hydraulic)

From and not including (tons)	To and including (tons)	Per month	Per week
20	20	\$13.00	\$4.00
20	25	18.00	5.60
20	30	23.00	7.30
42	60	28.00	8.90
62	87	37.00	12.00
87	115	45.25	15.75

## HYDRAULIC

	10	20	30
10	\$2.75	\$1.00	1.00
16	3.00	0.60	3.00
35	15.25	5.00	5.00

## JOURNAL

	12	30	42
12	\$3.75	\$1.25	1.75
20	4.50	0.75	2.25
30	6.75	0.75	3.25
42	10.75	5.00	5.00

## RATCHET

	12	17	22
12	\$3.75	\$1.25	2.00
17	6.25	7.00	2.00

## JACKS—Continued

## SCREW

	25	\$1.75	\$0.50
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## TRACK

(Single acting)

12	17	\$4.25	\$1.50
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## TRENCH

(Without filling)

1½ x 12 per doz	\$5.00	\$2.00
1½ x 15 per doz	7.00	2.25
1½ x 21 per doz	7.75	2.50
2 x 15 per doz	13.50	4.50

The above rates are maximum regardless of the number of hours used within the rental period.

## KETTLES—TAR AND ASPHALT HEATING

## OIL BURNING—STATIONARY

From and not including (gals.)	To and including (gals.)	Per month	Per week	Per day
45	45	\$10.00	\$3.00	\$1.50
45	85	22.00	7.00	1.75
85	125	23.00	8.00	2.00
125	165	23.00	8.00	2.25
165	205	23.00	10.00	2.50
205	245	42.00	14.00	3.50

## OIL BURNING—PORTABLE

From and not including (gals.)	To and including (gals.)	Per month	Per week	Per day
45	45	\$20.00	\$6.75	\$1.75
45	85	23.00	8.25	2.25
85	125	31.00	10.25	2.50
125	165	33.00	11.00	2.75
165	205	41.00	13.25	3.25
205	245	72.00	17.25	4.25

## WOOD BURNING—PORTABLE OR STATIONARY

From and not including (cub. ft.)	To and including (cub. ft.)	Per month	Per week	Per day
45	45	\$15.00	\$5.00	\$1.25
45	85	20.00	6.50	1.50
85	125	22.00	7.50	1.75
125	165	21.00	8.00	2.00

## LIGHTING PLANTS

## GASOLINE OR DIESEL ENGINE POWERED—AC OR DC

From and not including (watts)	To and including (watts)	Per month	Per week	Per day
1,100	1,150	\$42.00	\$13.00	\$3.50
1,150	1,700	60.00	17.00	4.50
1,700	2,900	60.00	20.00	5.00
2,900	4,500	75.00	25.00	6.25
4,500	6,000	80.00	30.00	7.50
6,000	9,000	110.00	37.00	9.00
9,000	12,000	120.00	40.00	12.00
12,000	17,000	175.00	53.00	14.50
17,000	22,000	200.00	67.00	16.25



## LIGHTS

## CABBIDE

	Per month	Per week	Per day
No. 2 Cable or equivalent.....	\$10.00	\$3.50	\$1.00

## LOADERS—BUCKET

From and not including—(cu. yds. per minute)	To and including—(cu. yds. per minute)	Per month	Per week	Per day
134	234	\$245.00	\$82.00	\$20.00
234	334	335.00	112.00	28.00
334	4	435.00	162.00	40.00
4	6	560.00	187.00	47.00
6	8	745.00	238.00	62.00
8	10	810.00	270.00	68.00

## LOADERS—FRONT END

## WHEEL TYPE TRACTOR COMPLETE WITH ATTACHMENTS

Size (cubic yards)	Per month	Per week	Per day
14-1/2	\$300.00	\$100.00	\$25.00
18	325.00	108.00	27.00
24	460.00	153.00	38.00

LOADER ATTACHMENTS—FRONT END  
FOR CRAWLER TRACTORS

For tractor of—	From and not including (draw-bar horse power)	To and including (draw-bar horse power)	Bucket capacity cu. yd.	Per month	Per week	Per day
20	30	40	1/2	\$115.00	\$38.25	\$9.50
30	40	50	3/4	145.00	48.25	12.00
40	50	60	1 1/4	300.00	100.00	25.00
65	85	105	2 or 3 1/2	425.00	141.00	35.00
85	135	155	2.7 to 9	615.00	205.00	51.25

## LOADERS—PORTABLE BELT

GAS OR ELECTRIC POWERED—LENGTH OF BELT  
16-62 FEET

Width of Belt	From and not including—(inches)	To and including—(inches)	Per month	Per week	Per day
15	15	19	\$125.00	\$42.00	\$10.50
19	19	23	160.00	53.00	13.25
23	23	27	165.00	54.00	13.75
27	27	32	170.00	55.00	14.25
32	32	36	180.00	58.00	15.00

## MIXERS—BITUMINOUS

## CENTRAL BITUMINOUS PLANT—GASOLINE OR DIESEL ENGINE

## (With Gradation Control Unit)

Minimum factory rating	From and not including—(tons per hour)	To and including—(tons per hour)	Per month	Per week	Per day
30	30	50	\$1,127.00	\$376.00	\$94.00
50	50	70	1,573.00	524.00	131.00
70	70	90	2,018.00	672.00	168.00
90	90	110	2,217.00	739.00	185.00
110	110	130	3,500.00	1,166.00	292.00

## MIXERS—BITUMINOUS—Continued

## CENTRAL BITUMINOUS PLANT—GASOLINE OR DIESEL ENGINE

## (Without Gradation Control Unit)

Minimum factory rating	From and not including—(tons per hour)	To and including—(tons per hour)	Per month	Per week	Per day
30	30	50	\$530.00	\$193.00	\$48.00
50	50	70	900.00	300.00	75.00
70	70	90	1,410.00	470.00	117.00

## TRAVELING BITUMINOUS PLANT—SELF PROPELLING—GASOLINE OR DIESEL ENGINE—WITHOUT DRYER AND GRADATION CONTROL UNIT

Maximum factory rating	From and not including—(cu. yds. per minute)	To and including—(cu. yds. per minute)	Per month	Per week	Per day
1 1/4	1 1/4	1 3/4	\$765.00	\$255.00	\$64.00
1 3/4	1 3/4	2	1085.00	362.00	90.00
2	2	2 1/4	1200.00	400.00	100.00

## TRAVELING BITUMINOUS PLANT—NON-SELF PROPELLING—GASOLINE OR DIESEL WITHOUT DRYER AND GRADATION CONTROL UNITS

Maximum factory rating	From and not including—(cu. yds. per minute)	To and including—(cu. yds. per minute)	Per month	Per week	Per day
1 1/4	1 1/4	1 3/4	\$470.00	\$157.00	\$39.00
1 3/4	1 3/4	2	670.00	223.00	56.00
2	2	2 1/4	876.00	292.00	73.00

The capacities of the plants are figured for Hot Mix Asphaltic Concrete using aggregate weighing 90 lbs. per cubic foot, the aggregate being mixed 1 1/2 minutes.

## HOT ASPHALTIC MIX

Maximum rental \$0.25 per ton produced. Bituminous Mixers may be leased on either a tonnage or time basis.

## COLD ASPHALTIC MIX

Maximum rental \$0.13 per ton produced. Bituminous Mixers may be leased on either a tonnage or time basis.

## MIXERS—CONCRETE

## PORTABLE

	Per month	Per week	Per day
4 1/2 S and under Low Charger..	\$35.00	\$12.00	\$3.00
4 1/2 S and under Power Charger..	47.00	15.00	4.00
Over 4 1/2 S to 6 S inclusive, Low Charger..	52.00	17.50	4.50
Over 4 1/2 S to 6 S inclusive, Power Charger..	65.00	21.00	5.00
Over 6 S to 8 1/2 S inclusive, Low Charger..	71.00	24.00	6.00
Over 6 S to 8 1/2 S inclusive, Power Charger..	85.00	28.00	7.00
Over 8 1/2 S to 12 S inclusive, Low Charger..	90.00	30.00	7.50
Over 8 1/2 S to 12 S inclusive, Power Charger..	120.00	40.00	10.00
Over 12 S to 16 S inclusive, Power Charger..	155.00	52.00	13.00
Over 25 S to 30 S inclusive, Batch Hopper..	210.00	70.00	17.50

## MIXERS—CONCRETE—Continued

Rates include measuring tank but do not include batch-meter or pump.

Add for Batchmeter.....	\$5.00	\$3.00	\$0.75
Add for Pump.....	4.00	1.50	0.40

## PAVING

## GASOLINE OR DIESEL ENGINE

Size	Per month	Per week	Per day
21E.....	\$300.00	\$100.00	\$25.00
27E (Old style).....	525.00	175.00	44.00
27E single and dual drum.....	935.00	311.75	78.00
34E single drum.....	1,335.00	445.00	111.25
34E dual drum.....	1,570.00	523.25	130.75

## First serial no. of new 27E:

Rex.....	Q8554
Kochling.....	15574
Ransome.....	9673
Foots.....	4334

## MIXERS—MORTAR OR PLASTER

	Per month	Per week	Per day
One bag.....	\$60.00	\$20.00	\$5.00
Two bags.....	80.00	27.00	6.75

## MIXERS OR AGITATORS—TRUCK

Separate Gasoline Engine Drive No Trucks Included

## LESSEE DOES OWN MOUNTING

Capacity (cubic yards)	Per month	Per week	Per day
1.....	\$175.00	\$58.00	\$14.00
1 1/2.....	200.00	67.00	16.75
2.....	255.00	85.00	21.00
2 1/2.....	320.00	107.00	26.75
3.....	335.00	112.00	28.00
3 1/2.....	335.00	112.00	28.00
4.....	380.00	127.00	32.00
4 1/2.....	400.00	133.00	33.00
5.....	425.00	142.00	35.50
5 1/2.....	455.00	152.00	38.00
6.....	475.00	158.00	40.00

## MOTORS—ELECTRIC

## SQUIRREL CAGE

From and not including—(H. P.)	To and including—(H. P.)	Per month	Per week	Per day
6.....	6.....	\$10.00	\$3.50	\$1.00
8.....	9.....	15.00	5.00	1.25
9.....	17 1/2.....	20.00	7.00	1.75
17 1/2.....	27 1/2.....	40.00	13.50	3.40
27 1/2.....	45.....	60.00	20.00	5.00
45.....	55.....	60.00	20.00	5.00
55.....	75.....	75.00	25.00	6.25
For motors over 75 H. P., rate per H. P.....		1.00	.35	.10

A maximum of 10 percent of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of the nearest equivalent new motor starting equipment to any domestic class of purchasers may be added to each month's rental rate when panels are included with the motor. The maximum weekly rate shall not exceed 1/3 of the maximum monthly rate; the maximum daily rate shall not exceed 1/12 of the maximum monthly rate.

[Paragraph as amended by Amendment 5, 7 F.R. 9785, effective 10-22-42].

### MOTORS—ELECTRIC—Continued

CONSTANT OR VARIABLE SPEED WOUND ROTOR  
(SLIP RING TYPE)

From and not including— (H. P.)	To and including— (H. P.)	Per month	Per week	Per day
17½	17½	\$25.00	\$8.00	\$2.60
27½	27½	50.00	16.50	4.00
45	45	65.00	22.00	5.50
75	75	75.00	25.00	6.50
150	150	95.00	32.00	8.00
For motors over 75 H. P., rate per H. P.		1.25	.40	.10

A maximum of 10 percent of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of the nearest equivalent new motor starting equipment to any domestic class of purchasers may be added to each month's rental rate when starting motor equipment is included with the motor. The maximum weekly rate shall not exceed 1/2 of the maximum monthly rate; the maximum daily rate shall not exceed 1/2 of the maximum monthly rate.

[Paragraph as amended by Amendment 5, 7 F.R. 9785, effective 10-22-42]

### PUMPCRETES—GASOLINE ENGINE DRIVEN

	Per month	Per week	Per day
Model 160, single cylinder without mixer	\$450.00	\$150.00	\$50.00
Model 160, single cylinder with mixer	531.00	177.00	59.00
Model 160, double cylinder without mixer	833.00	277.67	92.56
Model 160, double cylinder with mixer	1,037.00	345.67	115.22
Model 200, single cylinder without mixer	611.00	203.67	67.89
Model 200, single cylinder with mixer	773.00	257.67	85.89
Model 200, double cylinder without mixer	1,153.00	384.33	128.11
Model 200, double cylinder with mixer	1,522.00	507.33	169.11

### PUMPCRETES—ELECTRIC DRIVEN

	Per month	Per week	Per day
Model 160, single cylinder without mixer	\$423.00	\$141.00	\$47.00
Model 160, single cylinder with mixer	503.00	167.67	55.89
Model 160, double cylinder without mixer	693.00	231.00	77.00
Model 160, double cylinder with mixer	1,003.00	334.33	111.44
Model 200, single cylinder without mixer	634.00	211.33	70.44
Model 200, single cylinder with mixer	822.00	274.00	91.33
Model 200, double cylinder without mixer	1,211.00	403.67	134.56
Model 200, double cylinder with mixer	1,495.00	498.33	166.11

### PUMPCRETE PIPE

	Per month	Per week	Per day
6" pipe per foot including necessary ells and fittings	\$9.34	\$3.11	\$1.04
7" pipe per foot including necessary ells and fittings	.49	.15	.05
8" pipe per foot including necessary ells and fittings	.49	.15	.05

### PUMPS

NOTE: In lieu of the maximum monthly rental rates in the following tables, the lessor may arrive at a maximum monthly rental rate by applying 9% of the highest maximum price established by the Office of Price Administration for the sale of the nearest equivalent new pump-units listed below to any domestic class of purchasers; the maximum rate per week shall not exceed 1/2 of the maximum monthly rate; the maximum daily rate shall not exceed 1/2 of the maximum monthly rate.

#### CAISSON—STEAM

Suction (inch)	Discharge (inch)	Per month	Per week	Per day
3	2	\$35.00	\$12.00	\$4.00
4	3	45.00	15.00	5.00
5	4	60.00	20.00	6.67
6	5	75.00	25.00	8.33
7	6	100.00	33.33	11.11

### PIPELAYER ATTACHMENTS

For Tractor of—		Per month	Per week	Per day
From and not including— (drawbar H. P.)	To and including— (drawbar H. P.)			
20	40	\$165.00	\$55.00	\$18.33
40	60	225.00	75.00	25.00
60	85	235.00	78.33	26.11
85	135	310.00	103.33	34.44

Where pipelayer attachment is rented with tractor, tractor rates may be added.

### PUMP FOR HYDRAULIC TRACTOR ACCESSORIES

	Per month	Per week	Per day
1 or 2 valve	\$25.00	\$8.33	\$2.78
3 valve	70.00	23.33	7.78

### PUMPS—Continued

#### CENTRIFUGAL—No Power

[Single stage—Standard not self-priming for belt drive or direct connection]

Discharge openings	Per month	Per week	Per day
Up to 1 inch, inclusive	\$15.00	\$5.00	\$1.67
1½ inch to 2 inch, inclusive	25.00	8.33	2.78
2½ inch to 3 inch, inclusive	35.00	11.67	3.89
3½ inch to 4 inch, inclusive	50.00	16.67	5.56
5 inch to 6 inch, inclusive	65.00	21.67	7.22

For three months or more rental no additional charge shall be made for mounting engine on pump.

For multi-stage pumps (no power) the rates shall not exceed the single stage rates plus the following percentages:

	Percent
For 2 stage	50
For 3 stage	75
For 4 stage	100

#### DIAPHRAGM

	Per month	Per week	Per day
Hand Power	\$3.00	\$1.00	\$0.33

#### DIAPHRAGM—GASOLINE ENGINE DRIVEN

[Force or open top]

Size (inch)	Action	From and not including— H. P.	To and including— H. P.	Per month	Per week	Per day
3	Single	4½	4½	\$35.00	\$11.67	\$3.89
3	Double	4½	4½	50.00	16.67	5.56
4	Single	4½	4½	70.00	23.33	7.78
4	Double	4½	4½	80.00	26.67	8.89

#### JETTING (SELF PRIMING)

G. p. m. 100 pounds per square inch	From and not including— G. p. m.	To and including— G. p. m.	Per month	Per week
200	400	400	\$150.00	\$50.00
400	600	600	100.00	33.33
600	700	700	245.00	81.67

#### PERISTALTIC

Size (inch)	From and not including— H. P.	To and including— H. P.	Per month	Per week	Per day
2	5	5	\$50.00	\$16.67	\$5.56
2	5	13	65.00	21.67	7.22
3	5	5	75.00	25.00	8.33
3	5	11	85.00	28.33	9.44
3	11	20	125.00	41.67	13.89
4	5	5	80.00	26.67	8.89
4	5	11	100.00	33.33	11.11
4	11	20	120.00	40.00	13.33

#### SUMP—PNEUMATIC

	Per month	Per week	Per day
Small	\$15.00	\$5.00	\$1.67
Medium	25.00	8.33	2.78
Tandem	70.00	23.33	7.78

### PUMPS—Continued

#### CENTRIFUGAL—GASOLINE ENGINE DRIVEN

[Self-priming]

	Per month	Per week	Per day
1½ inch 3 M.	\$25.00	\$8.33	\$2.78
2 inch 7 to 10 M.	40.00	13.33	4.44
3 inch 15 to 20 M.	60.00	20.00	6.67
4 inch 30 to 40 M.	80.00	26.67	8.89
6 inch 75 to 90 M.	125.00	41.67	13.89
8 inch 125 M.	165.00	55.00	18.33
10 inch 175 to 225 M.	210.00	70.00	23.33

For any pump-unit not listed in the foregoing table, the maximum monthly rate shall not exceed 9% of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of the nearest equivalent new pump-unit to any domestic class of purchasers. The maxi-

imum rate per week for such pump-unit shall not exceed  $\frac{1}{2}$  of the maximum monthly rate; the maximum daily rate shall not exceed  $\frac{1}{12}$  of such maximum monthly rate.

[Tables on Pumps added by Amendment 5, 7 F.R. 9785, effective 10-22-42]

## WELLPOINT SYSTEM

	MONTH								
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th
6" Wellpoint pump.....	\$160.00	\$145.00	\$130.00	\$110.00	\$80.00	\$75.00	\$75.00	\$70.00	\$70.00
8" Wellpoint pump.....	220.00	200.00	180.00	150.00	110.00	100.00	100.00	100.00	100.00
10" Wellpoint pump.....	280.00	255.00	230.00	190.00	135.00	130.00	130.00	120.00	120.00
Jet Pump.....	160.00 per month or \$50.00 per week								
Jet Hose per foot.....	.20 per month								
Suction Hose per foot.....	.60	.40	.30	.30	.30	.30	.30	.30	.30
Wellpoint with riser and swing joint connection, each.....	4.00	3.00	1.40	1.20	1.20	.80	.80	.80	.80
6" Discharge pipe per ft. with couplings.....	.20	.10	.05	.05	.05	.05	.05	.05	.05
6" Header pipe per ft. with couplings.....	.37	.13	.07	.05	.05	.05	.05	.05	.05
8" Discharge pipe with couplings, per ft.....	.30	.15	.07	.07	.07	.07	.07	.07	.07
8" Header pipe with couplings, per ft.....	.56	.17	.11	.07	.07	.07	.07	.07	.07
10" Discharge pipe with couplings, per ft.....	.40	.20	.10	.10	.10	.10	.10	.10	.10
10" Header pipe with couplings, per ft.....	.74	.26	.13	.10	.10	.10	.10	.10	.10
6" Gate Valves.....	6.20	3.80	3.00	2.50	2.50	2.50	2.50	2.50	2.50
8" Gate Valves.....	9.50	6.20	4.25	4.25	4.25	4.25	4.25	4.25	4.25
10" Gate Valves.....	15.50	9.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75
6" and under Jet Dry Pump (combination).....	160.00	145.00	130.00	110.00	80.00	75.00	75.00	70.00	70.00
8" Jet Dry Pump (comb.).....	220.00	200.00	180.00	150.00	110.00	100.00	100.00	100.00	100.00
Wellpoint mop with 20' of 2" suction hose and swing joint.....	10.00	10.00	10.00	5.00	5.00	5.00	5.00	5.00	5.00
Sanding Casing.....	25.00	25.00	25.00	15.00	15.00	15.00	15.00	15.00	15.00
Hole Puncher.....	125.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00	60.00

With the exception of gate valves, such fittings as elbows, tees, caps, and reducers necessary to fill out a complete system, will be supplied with header and discharge pipe without additional charge.

The above rates are maximum regardless of the number of hours used within the rental period.

PUSHDOZERS  
MOVABLE-CABLE

For tractor of—		Per month	Per week	Per day
From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)			
45.....	65.....	\$55.00	\$18.00	\$4.50
65.....	90.....	65.00	22.00	5.50
90.....	135.....	75.00	25.00	6.25

## MOVABLE-HYDRAULIC

For tractor of—		Per month	Per week	Per day
From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)			
65.....	90.....	\$115.00	\$38.00	\$9.50
90.....	135.....	140.00	47.00	11.75

## Rigid

	Per month	Per week	Per day
All types.....	\$25.00	\$8.25	\$2.00

The maximum monthly rate for pusher blocks for mounting on bulldozers or angle-dozer, blade or frame, may not exceed 8% of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of the nearest equivalent new pusher blocks to any domestic class of purchasers. The maximum weekly rate shall not exceed  $\frac{1}{2}$  of the maximum monthly rate, the maximum daily rate shall not exceed  $\frac{1}{12}$  of the maximum monthly rate.

## QUARRY SKIP BUCKET CARRIER

Cubic yards	Per month	Per week	Per day
1½.....	\$94.00	\$31.00	\$7.75
2.....	124.00	41.00	10.25
2½.....	136.00	44.00	11.00
3.....	147.00	46.00	11.50
4.....	188.00	47.00	11.75

## BUCKETS (EACH)

Cubic yards	Per month	Per week	Per day
1½.....	\$12.00	\$4.00	\$1.00
2.....	15.00	5.25	1.25
2½.....	18.50	6.00	1.50
3.....	22.00	7.25	1.75
4.....	33.00	11.00	2.75

## ROLLERS—ROAD

## PORTABLE—GASOLINE ENGINE DRIVEN—2 PNEUMATIC TIRES

	Per month	Per week	Per day
4 tons and under.....	\$150.00	\$50.00	\$12.50

## ROLLERS—ROAD—Continued

## 2 WHEEL TANDEM

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
3½.....	5.....	\$125.00	\$42.00	\$10.50
5.....	9½.....	200.00	67.00	17.00
9½.....	12½.....	250.00	83.00	21.00
12½.....	17½.....	300.00	100.00	25.00
17½.....	22½.....	325.00	108.00	27.00
		625.00	175.00	44.00

## 3 WHEEL TANDEM

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
6½.....	9½.....	\$260.00	\$87.00	\$22.00
9½.....	14½.....	335.00	112.00	23.00
14½.....	19½.....	385.00	123.00	32.00

## 3 WHEEL

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
5½.....	6½.....	\$170.00	\$57.00	\$14.00
6½.....	7½.....	200.00	67.00	10.00
7½.....	9.....	245.00	82.00	20.00
9.....	11.....	270.00	90.00	22.00
11.....	13.....	335.00	123.00	32.00
13.....	17.....	425.00	142.00	36.00
		550.00	183.00	40.00

## STEAM-ENGINE DRIVEN

The maximum rental rates for steam engine driven road rollers are 80% of the above applicable rates.

## DIESEL ENGINE DRIVEN

## 2 WHEEL TANDEM

From and not including—(tons)	To and including—(tons)	Per month	Per week	Per day
3½.....	5.....	\$264.00	\$89.00	\$22.00
5.....	9½.....	315.00	105.00	26.00
9½.....	12½.....	352.00	121.00	30.00
12½.....	17½.....	389.00	130.00	33.00

## 3 WHEEL

		Per month	Per week	Per day
5½.....	6½.....	\$213.00	\$71.00	\$18.00
6½.....	7½.....	242.00	81.00	20.00
7½.....	9.....	291.00	97.00	24.00
9.....	11.....	319.00	106.00	27.00
11.....	13.....	436.00	145.00	36.00
		475.00	159.00	40.00

## ROLLERS—TAMPING

## SHEEPSFOOT—ANY NUMBER OF FEET

	Per month	Per week	Per day
Single drum.....	\$65.00	\$22.00	\$5.50
Double drum.....	90.00	30.00	7.50
Triple drum.....	175.00	58.00	15.00

ROLLERS—TAMPING—Continued  
RUBBER TIRED

	Per month	Per week	Per day
All sizes.....	\$100.00	\$33.00	\$3.25

## ROOTERS

	Per month	Per week	Per day
Light, 3,500 lbs. and under.....	\$50.00	\$17.00	\$4.50
Medium, 3,501 lbs. to 7,000 lbs., inclusive.....	100.00	33.00	8.00
Heavy, 7,001 lbs. to 11,000 lbs., inclusive.....	150.00	50.00	12.50
Extra heavy, 11,001 to 15,000 lbs., inclusive.....	175.00	57.00	14.00

## SAND BLAST OUTFITS

	Per month	Per week	Per day
Tank and 50 feet of hose, nipples and one hood without air or sand supply.....	\$50.00	\$17.00	\$4.50

SAWS  
ELECTRIC-HAND

Blade	From and not including—(inches)	To and including—(inches)	Per month	Per week	Per day
7.....	7.....	9.....	\$25.00	\$8.00	\$2.00
9.....	9.....	11.....	30.00	10.00	2.50
11.....	11.....	13.....	40.00	13.00	3.00
13.....	13.....	15.....	50.00	17.00	4.50

## ELECTRIC—FIXED OR TILTING TABLE

Blade	From and not including—(inches)	To and including—(inches)	Per month	Per week	Per day
13.....	13.....	19.....	\$45.00	\$15.00	\$3.50
19.....	19.....	25.....	65.00	22.00	5.50

## GASOLINE—FIXED OR TILTING TABLE

Blade	From and not including—(inches)	To and including—(inches)	Per month	Per week	Per day
13.....	13.....	19.....	\$45.00	\$15.00	\$3.50
19.....	19.....	25.....	65.00	22.00	5.50

## ELECTRIC—SWING

From and not including—(H. P.)	To and including—(H. P.)	Saw diameter	Per month	Per week	Per day
3/4.....	1.....	12 in.....	\$30.00	\$10.00	\$2.50
1.....	1 1/4.....	14 in.....	35.00	12.00	3.00
1 1/4.....	1 3/4.....	14 in.....	40.00	13.00	3.50
1 3/4.....	2.....	16 in.....	45.00	15.00	4.00
2.....	2 1/2.....	16 in.....	50.00	17.00	4.50
2 1/2.....	3.....	16 in.....	60.00	20.00	5.00
3.....	4.....	16 in.....	75.00	25.00	6.50

## SCALES—WHEELBARROW

Number of beams	Number of aggregates	Per month	Per week	Per day
3.....	2.....	\$25.00	\$8.00	\$2.00
4.....	3.....	35.00	12.00	3.00
5.....	4.....	50.00	17.00	4.00

## SCARIFIERS

	Per month	Per week	Per day
Medium.....	\$32.00	\$10.00	\$2.50
Heavy.....	50.00	12.00	3.00

## SCRAPERS

(Without power units)

Struck	Heaped	Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)	From and not including—(cu. yds.)	To and including—(cu. yds.)	
3 1/4.....	5.....	5.....	5.....	\$145.00
5.....	7.....	7.....	7.....	175.00
7.....	9.....	9.....	9.....	230.00
9.....	11.....	11.....	11.....	300.00
11.....	13 1/2.....	13 1/2.....	13 1/2.....	420.00
13 1/2.....	16.....	16.....	16.....	575.00
16.....	19.....	19.....	19.....	750.00
19.....	22 1/2.....	22 1/2.....	22 1/2.....	1,025.00
22 1/2.....	27.....	27.....	27.....	1,375.00
27.....	32.....	32.....	32.....	1,725.00

## SHEARS

## BAR CUTTING

	Per month	Per week	Per day
3/8 in. round and under.....	\$5.00	\$2.00	\$0.50
Over 3/8 in.—1 1/2 in. round, inclusive.....	10.00	3.00	1.00

## SHEAVES

	Per month	Per week	Per day
Bottom swivel.....	\$10.00	\$3.00	\$1.00
Top tower sets.....	10.00	3.00	1.00

## SHORES

	Per month	Per week	Per day
Adjustable.....	\$0.25	\$0.10	\$0.05

## SHOVELS AND BACK HOES

## GASOLINE ENGINE DRIVEN—DIFFER INCLUDED

Shovel capacity (cubic yards)	Per month	Per week	Per day
3/4.....	\$420.00	\$140.00	\$37.00
1.....	475.00	158.00	41.00
1 1/4.....	525.00	175.00	44.00
1 3/4.....	575.00	191.00	49.00
2.....	625.00	208.00	53.00
2 1/4.....	675.00	225.00	58.00
2 3/4.....	725.00	242.00	62.00
3.....	775.00	259.00	67.00
3 1/4.....	825.00	275.00	71.00
3 3/4.....	875.00	292.00	75.00
4.....	925.00	309.00	79.00
4 1/4.....	975.00	325.00	84.00
4 3/4.....	1,025.00	342.00	88.00
5.....	1,075.00	359.00	92.00

## SHOVELS AND BACK HOES—Continued

## DIESEL ENGINE DRIVEN—DIFFER INCLUDED

Shovel capacity (cubic yards)	Per month	Per week	Per day
3/4.....	\$520.00	\$173.00	\$44.00
1.....	575.00	191.00	49.00
1 1/4.....	625.00	208.00	53.00
1 3/4.....	675.00	225.00	58.00
2.....	725.00	242.00	62.00
2 1/4.....	775.00	259.00	67.00
2 3/4.....	825.00	275.00	71.00
3.....	875.00	292.00	75.00
3 1/4.....	925.00	309.00	79.00
3 3/4.....	975.00	325.00	84.00
4.....	1,025.00	342.00	88.00

## STEAM—DIFFER INCLUDED

Shovel capacity (cubic yards)	Per month	Per week	Per day
3/4.....	\$475.00	\$158.00	\$40.00
1.....	525.00	175.00	44.00
1 1/4.....	575.00	191.00	49.00
1 3/4.....	625.00	208.00	53.00
2.....	675.00	225.00	58.00
2 1/4.....	725.00	242.00	62.00
2 3/4.....	775.00	259.00	67.00
3.....	825.00	275.00	71.00
3 1/4.....	875.00	292.00	75.00
3 3/4.....	925.00	309.00	79.00
4.....	975.00	325.00	84.00

## ATTACHMENTS AND COMBINATIONS

Where the lease requires the use of an additional attachment, accessory, or combination of attachments and/or accessories (shovel, backhoe, dragline, clamshell, crane, clammer scoop, gantry, jib extension, boom segment, clamshell and jib, dragline and gantry, or gantry, jib and boom segment, etc.), the maximum monthly rate shall not exceed 5 1/2 % of the highest maximum price established by the Office of Price Administration for the sale of the nearest equivalent new foregoing attachments and/or accessories to any domestic class of purchasers. The maximum weekly rate shall not exceed 1/4 of the maximum monthly rate. The maximum daily rate shall not exceed 1/12 of the maximum monthly rate.

## HAND

	Per month	Per week	Per day
All hand shovels, long or short handle, round or square points, up to and including No. 6 except (see 1/2 dozen).....	\$7.50	\$2.50	\$0.65

## SPREADERS

## ASPHALT, STONE OR CHIP

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
9.....	11.....	\$40.00	\$13.50	\$3.50
11.....	13.....	60.00	20.00	6.00
13.....		70.00	23.00	6.00

## BITUMINOUS PRESSURE DISTRIBUTORS

From and not including—(gallons)	To and including—(gallons)	Per month	Per week	Per day
800.....	1,400.....	\$246.00	\$82.00	\$20.00
1,400.....	2,100.....	273.00	91.00	23.00
		300.00	100.00	25.00

## CONCRETE

From and not including—(feet)	To and including—(feet)	Per month	Per week	Per day
10.....	12.....	\$310.00	\$103.00	\$26.00
12.....	15.....	340.00	113.00	28.00
15.....	22.....	580.00	193.00	43.00
22.....	28.....	600.00	200.00	50.00

Maximum rental prices calculated upon the basis of the above rates shall apply to the above equipment with or without vibrators to be used with these machines.

## SURFACERS

## WALL-ELECTRIC

	Per month	Per week	Per day
Model A Berg, or equal.....	\$45.00	\$15.00	\$4.00

## HIGHWAY

	Per month	Per week	Per day
With gasoline engine.....	\$85.00	\$28.00	\$7.00

Carborundum and cutting stone not included with surfacer.

## SURVEYING INSTRUMENTS

## LEVELS

	Per month	Per week	Per day
All models.....	\$20.00	\$8.00	\$5.00

## TRANSITS

	Per month	Per week	Per day
All models.....	\$25.00	\$9.00	\$5.00

## TOWER EQUIPMENT—WOOD

## HOPPERS—VERTICAL BACK

	Per month	Per week	Per day
28 cubic feet and under.....	\$15.00	\$5.00	\$1.50
Over 28 cubic feet to 60 cubic feet, inclusive.....	20.00	7.00	2.00

Top and bottom switches, when necessary, are included in above hopper and bucket rental prices.

## TOWER EQUIPMENT—WOOD—Continued

## SHEAVES—TOP TOWER, SET OF TWO

	Per month	Per week	Per day
12 inch to 16 inch.....	\$10.00	\$3.50	\$1.00

## BOTTOM SWIVEL

	Per month	Per week	Per day
12 inch to 16 inch.....	\$10.00	\$3.50	\$1.00

## TOWERS—STEEL TUBULAR

LIGHT TYPE—MAXIMUM LIVE LOAD 3,000 POUNDS OR 18 CUBIC FEET—CONCRETE BUCKET, 2 OR 3 WHEELBARROWS

Height	Per month	Per week
<b>SINGLE TOWER</b>		
39'.....	\$17.00	\$5.75
52'.....	23.00	7.75
71' 6".....	31.50	10.50
84' 6".....	37.50	12.50
104'.....	44.00	14.75
123' 6".....	49.00	16.25
130'.....	50.50	16.75

Height	Per month	Per week
<b>DOUBLE TOWER</b>		
39'.....	30.00	10.00
52'.....	40.00	13.25
71' 6".....	55.00	18.25
84' 6".....	65.00	21.75
104'.....	77.00	25.75
123' 6".....	87.00	29.00
130'.....	92.00	30.75

INTERMEDIATE TYPE—MAXIMUM LIVE LOAD 3,500 POUNDS OR 28 CUBIC FEET—CONCRETE BUCKET—2 OR 3 WHEELBARROWS

Height	Per month	Per week
<b>SINGLE TOWER</b>		
39'.....	\$19.00	\$6.25
52'.....	25.50	8.50
71' 6".....	35.00	11.75
84' 6".....	41.00	13.75
104'.....	49.00	16.25
123' 6".....	57.00	19.00
130' 6".....	62.00	20.75
150'.....	71.00	23.75
169'.....	77.00	25.75
201' 6".....	92.00	30.75

Height	Per month	Per week
<b>DOUBLE TOWER</b>		
39'.....	32.50	10.75
52'.....	43.50	14.50
71' 6".....	60.00	20.00
84' 6".....	70.50	23.50
104'.....	83.50	27.75
123' 6".....	96.00	32.00
130' 6".....	104.00	34.75
150'.....	118.50	39.50
169'.....	128.50	42.75
201' 6".....	153.00	51.00

HEAVY TYPE—MAXIMUM LIVE LOAD 5,000 POUNDS OR 35 CUBIC FEET—CONCRETE BUCKET—2 OR 3 WHEELBARROWS

Height	Per month	Per week
<b>SINGLE TOWER</b>		
39'.....	\$23.50	\$8.00
52'.....	31.50	10.50
71' 6".....	43.00	14.25
84' 6".....	50.50	16.75
104'.....	61.00	20.25
123' 6".....	70.50	23.50
130' 6".....	77.00	25.75
150'.....	87.00	29.00
169'.....	94.00	31.25
201' 6".....	112.00	37.25
234'.....	130.50	43.50
266' 6".....	148.50	49.50
299'.....	166.50	55.50

## TOWERS—STEEL TUBULAR—Continued

Height	Per month	Per week
<b>DOUBLE TOWER</b>		
39'.....	\$39.00	\$13.00
52'.....	52.00	17.25
71' 6".....	71.50	23.75
84' 6".....	84.50	28.25
104'.....	99.50	33.25
123' 6".....	115.00	38.25
130' 6".....	126.50	42.25
150'.....	145.00	48.25
169'.....	167.00	52.25
201' 6".....	187.00	62.25
234'.....	217.00	72.25
266' 6".....	247.50	82.50
299'.....	277.50	92.50

## TRACTORS

## CRAWLER—GASOLINE ENGINE

From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)	Per month	Per week	Per day
20.....	33.....	\$200.00	\$67.00	\$10.50
33.....	41.....	285.00	88.00	22.00
41.....	52.....	315.00	105.00	20.00
52.....	66.....	390.00	130.00	32.00
66.....	85.....	525.00	142.00	35.00
85.....	105.....	600.00	167.00	42.00

## CRAWLER—DIESEL ENGINE

From and not including—(drawbar H. P.)	To and including—(drawbar H. P.)	Per month	Per week	Per day
20.....	33.....	\$268.00	\$90.00	\$22.00
33.....	41.....	325.00	103.00	27.00
41.....	46.....	350.00	120.00	30.00
46.....	52.....	410.00	137.00	34.00
52.....	62.....	475.00	153.00	40.00
62.....	72.....	550.00	183.00	40.00
72.....	89.....	645.00	215.00	54.00
89.....	135.....	775.00	253.00	63.00

## 4-WHEELED, RUBBER TIRED, GASOLINE ENGINE

From and not including—(brake H. P.)	To and including—(brake H. P.)	Per month	Per week	Per day
10.....	16.....	\$63.00	\$21.00	\$5.25
16.....	24.....	90.00	30.00	7.00
24.....	33.....	117.00	39.00	9.75
33.....	45.....	135.00	45.00	11.25
45.....	60.....	163.00	51.00	12.75
60.....	60.....	192.00	64.00	16.00
60.....	75.....	232.00	77.25	19.25

## 4 WHEELED RUBBER TIRED—DIESEL

From and not including—(brake H. P.)	To and including—(brake H. P.)	Per month	Per week	Per day
38.....	47.....	\$175.00	\$58.25	\$14.50
47.....	50.....	224.00	74.75	18.75
50.....	60.....	250.00	83.25	20.75
60.....	103.....	530.00	176.00	45.00
103.....	115.....	735.00	245.00	60.00
140.....	160.....	855.00	285.00	70.00
160.....	210.....	1,200.00	400.00	100.00

## 2 WHEELED RUBBER TIRED—DIESEL POWERED

From and not including—(brake H. P.)	To and including—(brake H. P.)	Per month	Per week	Per day
80.....	100.....	\$710.00	\$236.00	\$59.00
145.....	160.....	780.00	260.00	65.00
180.....	195.....	1,290.00	430.00	107.00
195.....	210.....	1,385.00	461.00	116.00
180.....	195.....	1,675.00	558.00	139.00



## TRACTOR TRAILER UNITS

## 2 WHEELED TRACTOR WITH 2 WHEELED CABLE SCRAPER

Tractor		Scraper				Per month	Per week	Per day
		Struck		Heaped				
From and not including— (engine H. P.)	To and including— (engine H. P.)	From and not including— (cu. yds.)	To and including— (cubic yards)	From and not including— (cu. yds.)	To and including— (cubic yards)			
85.....	105.....	6	10	9	13	\$1,169.69	\$357.69	\$32.00
145.....	155.....	10	14	13	17	1,270.69	423.69	163.69
135.....	145.....	13	17	17	21	2,090.69	637.69	163.69
195.....	205.....	13	17	17	21	2,160.69	717.69	173.69
195.....	205.....	16	20	21	25	2,370.69	733.69	197.69
185.....	195.....	21	25	23	32	2,530.69	833.69	215.69

## 4 WHEELED TRACTOR WITH CABLE SCRAPER

Tractor (Engine H. P.)	. Scraper				Per month	Per week	Per day
	Struck		Heaped				
	From and not including— (cu. yds.)	To and including— (cu. yds.)	From and not including— (cu. yds.)	To and including— (cu. yds.)			
103 to 111—Gas, inclusive.....	5.0	8.75	7.5	11.0	\$1,030.09	\$300.09	\$30.00
103 to 111—Diesel, inclusive.....	5.0	8.75	7.5	11.0	1,100.09	330.09	91.00
94 to 102—Diesel, inclusive.....	6.0	10.5	9.0	13.0	1,300.09	317.09	79.00
103 to 111—Gas, inclusive.....	8.75	11.0	11.0	14.0	1,130.09	377.09	91.00
103 to 111—Diesel, inclusive.....	8.75	11.0	11.0	14.0	1,270.09	423.09	106.00
70 to 95—Gas, inclusive.....	5.5	8.5	6.5	9.5	830.09	277.09	69.00
70 to 95—Diesel, inclusive.....	5.5	8.5	6.5	9.5	970.09	323.09	89.00

## 4 WHEELED TRACTOR WITH HYDRAULIC SCRAPER

Tractor (engine H. P.)		Scraper		Per month	Per week	Per day
		Struck—(cu. yds.)	Heaped—(cu. yds.)			
94 to 102, Diesel, inclusive.....	6 to 11, inclusive.....	9 to 13, inclusive.....		\$920.09	\$317.09	\$79.00

## 2 WHEELED TRACTOR—DUMP TRAILER

Tractor (engine H. P.)	Wagon				Per month	Per week	Per day
	Struck		Heaped				
	From and not including— (cu. yds.)	To and including— (cu. yds.)	From and not including— (cu. yds.)	To and including— (cu. yds.)			
80 to 100, inclusive.....	7.5	11.5	10	14	\$1,210.09	\$403.09	\$161.00
130 to 150, inclusive.....	19	23	23	32	2,330.09	733.09	173.00
180 to 200, inclusive.....	24	28	33	37	2,910.09	970.09	212.00

## 4 WHEELED TRACTOR—DUMP TRAILER—GASOLINE POWERED

Wagon-Struck		Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)			
11.....	11.....	\$800.00	\$300.00	\$75.00
16.....	16.....	1,150.00	380.00	95.00
20.....	20.....	1,750.00	530.00	145.00
24.....	24.....	1,850.00	650.00	162.00

## 4 WHEELED TRACTOR—DUMP TRAILER—DIESEL POWERED

Wagon-Struck		Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)			
8 1/2.....	8 1/2.....	\$775.09	\$253.09	\$63.00
11.....	11.....	1,020.09	340.09	85.00
16.....	16.....	1,250.09	410.09	102.00
20.....	20.....	1,630.09	530.09	132.00
24.....	24.....	2,020.09	637.09	172.00

## TRACTOR ACCESSORY WINCH

	Per month	Per week	Per day
For any size tractor, single drum.....	\$30.00	\$17.00	\$4.50
For any size tractor, double drum.....	75.00	25.00	6.50
For any size tractor, four drum.....	160.00	53.00	13.00

## TRENCHING MACHINE

## LADDER AND VERTICAL BOOM TYPE—GASOLINE ENGINE DRIVEN

Maximum manufacturer's ratings (depth)		Maximum manufacturer's ratings (width)		Per month	Per week	Per day
From and not including— (feet)	To and including— (feet)	From and not including— (inches)	To and including— (inches)			
10.....	10.....	8	42	\$275	\$225	\$56
19.....	14.....	10	50	329	276	69
19.....	14.....	20	42	943	314	79
14.....	17.....	18	54	1,232	427	107
17.....	21.....	20	52	1,660	533	133
21.....	23.....	20	52	2,000	577	217

## LADDER AND VERTICAL BOOM TYPE—DIESEL ENGINE DRIVEN

Maximum manufacturer's ratings (depth)		Maximum manufacturer's ratings (width)		Per month	Per week	Per day
From and not including— (feet)	To and including— (feet)	From and not including— (inches)	To and including— (inches)			
19.....	19.....	8	42	\$775	\$229	\$55
19.....	14.....	10	50	935	273	75
19.....	14.....	20	42	1,040	247	87
14.....	17.....	18	54	1,410	470	115
17.....	21.....	20	52	1,757	536	147
21.....	23.....	20	52	2,155	632	233

## WHEEL TYPE—GASOLINE ENGINE DRIVEN

Max. Mfr. Ratings—Depth		Per month	Per week	Per day
From and not including—(feet)	To and including—(feet)			
3 1/2.....	5.....	\$375.09	\$125.09	\$31.00
5.....	5 1/2.....	650.09	210.09	50.00
5 1/2.....	6 1/2.....	1,050.09	333.09	83.00
6 1/2.....	8 1/2.....	1,450.09	453.09	121.00

## WHEEL TYPE—DIESEL ENGINE DRIVEN

Maximum manufacturer's ratings (depth)		Per month	Per week	Per day
From and not including—(feet)	To and including—(feet)			
3 1/2.....	5.....	\$451.00	\$150.25	\$37.00
5.....	5 1/2.....	673.00	224.25	56.00
5 1/2.....	6 1/2.....	1,103.00	367.25	92.00
6 1/2.....	8 1/2.....	1,445.00	481.00	120.25

## VIBRATORS

## CONCRETE

## ELECTRIC &amp; HYDRAULIC POWERED

From and not including (H. P.)	To and including (H. P.)	Shafting length—feet	Per month	Per week	Per day
3/4	1 1/4	32	\$22.00	\$7.25	\$1.75
1 1/4	2 1/4	32	30.00	10.00	2.50
2 1/4	3 1/4	38	40.00	13.25	3.25
3 1/4	4 1/4	38	45.00	15.00	3.75
4 1/4	5 1/4	38	50.00	16.75	4.25
5 1/4	6 1/4	38	70.00	23.00	5.75

## GASOLINE POWERED

From and not including (H. P.)	To and including (H. P.)	Shafting length—feet	Per month	Per week	Per day
1 1/4	2 1/4	28	\$35.00	\$11.75	\$3.00
2 1/4	3 1/4	32	45.00	15.00	3.75
3 1/4	4 1/4	38	55.00	18.25	4.50
4 1/4	5 1/4	46	60.00	20.00	5.00
5 1/4	6 1/4	46	70.00	23.00	5.75

All above gasoline driven units include vibrator heads.

## PNEUMATIC POWERED—FLEXIBLE TYPE

From and not including—	To and including—	Per month	Per week	Per day
20 lbs.	35 lbs.	\$30.00	\$10.00	\$2.50
35 lbs.	65 lbs.	40.00	13.25	3.25
65 lbs.	115 lbs.	50.00	16.75	4.25

## RIGID TYPE

	Per month	Per week	Per day
All sizes	\$50.00	\$16.75	\$4.25

## WAGONS—CRAWLER

## DIRECT HITCH—BOTTOM DUMP

Heaped capacity		Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)			
6 1/2	9 1/2	\$165.00	\$55.00	\$13.75
9 1/2	12 1/2	200.00	67.00	16.75
12 1/2	14 1/2	240.00	80.00	20.00
14 1/2	20 1/2	260.00	87.00	22.00
14 1/2	20 1/2	370.00	123.00	31.00

## DIRECT HITCH—HYDRAULIC SIDE DUMP

Heaped capacity		Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)			
12	15	\$310.00	\$103.00	\$26.00
15	18	400.00	133.00	33.00
18	21	475.00	158.00	40.00

WAGONS—CRAWLER—Continued  
DIRECT HITCH—MANUAL SIDE DUMP

Heaped capacity		Per month	Per week	Per day
From and not including—(cu. yds.)	To and including—(cu. yds.)			
12	15	\$235.00	\$78.00	\$19.50
15	18	300.00	100.00	25.00
18	21	355.00	118.00	30.00

## WELDING MACHINES

## GASOLINE ENGINE DRIVEN

From and not including—(Amperes)	To and including—(Amperes)	Per month	Per week	Per day
250	350	\$74.00	\$25.00	\$6.00
350	500	104.00	35.00	8.50
500	700	114.00	38.00	9.50
700	700	174.00	58.00	14.50

## 60 CYCLE ELECTRIC MOTOR DRIVEN

From and not including—(Amperes)	To and including—(Amperes)	Per month	Per week	Per day
250	350	\$35.00	\$12.00	\$3.00
350	500	47.00	16.00	4.00
500	700	56.00	19.00	4.50
700	700	74.00	25.00	6.00

## 25 CYCLE ELECTRIC MOTOR DRIVEN

From and not including—(Amperes)	To and including—(Amperes)	Per month	Per week	Per day
250	350	\$41.00	\$14.00	\$3.50
350	500	56.00	19.00	4.50
500	700	65.00	22.00	5.50
700	700	86.00	29.00	7.00

## D. C. ELECTRIC MOTOR DRIVEN

From and not including—(Amperes)	To and including—(Amperes)	Per month	Per week	Per day
250	350	\$47.00	\$16.00	\$4.00
350	500	65.00	22.00	5.50
500	700	76.00	25.00	6.50
700	700	101.00	34.00	8.50

## DIESEL ENGINE DRIVEN

	Per month	Per week	Per day
350 Amperes and under	\$163.00	\$54.00	\$13.50
Over 350 Amperes to 500 Amperes, inclusive	194.00	65.00	16.00

The above rates cover skid or wheel mountings without brakes or springs.

No additional charge to the above rates may be made for helmets, holders, 60 ft. of ground and welding cable when required by the lessee.

When additional cable in excess of 60' is required or when cable is rented separately, the rental charge per foot shall not exceed \$0.07 per month, \$0.025 per week, \$0.005 per day.

NOTE.—For mountings other than skid or wheel without springs or brakes add the following:

	Per month	Per week	Per day
Wheels with springs	\$8.00	\$2.75	\$0.75
Wheels with springs and brakes	13.00	4.25	1.00

## WHEELBARROWS—ALL SIZE TRAYS

	Per month	Per week	Per day
Steel Wheel	\$3.00	\$1.00	\$0.25
Rubber Tired	6.00	2.00	.60

## WINCHES—TOWING

For tractor of—		Per month	Per week	Per day
From and not including—(Drawbar horsepower)	To and including—(Drawbar horsepower)			
20	33	\$70.00	\$23.00	\$6.00
33	41	80.00	27.00	7.00
41	52	85.00	28.00	7.00
52	66	90.00	30.00	7.50
66	89	170.00	57.00	14.00
89	145	180.00	63.00	16.00

§ 1399.16 Appendix B: Table of rates for dump trucks and truck and trailer mounted equipment—(a) Dump trucks: fully-operated basis. (1) The maximum rental price for any dump truck rented on a fully-operated basis shall be a price calculated on the basis of hours of actual use of such truck multiplied by an hourly rate which is the sum of (i) the applicable charge per hour, according to the capacity of such truck, set forth in the following Schedule, plus (ii) 135% of the hourly wage for the operator of such truck at the rate prevailing on March 31, 1942, in the area of the job-site where such truck is used. "Rate" or "rates" as used in this paragraph means the sum of the aforesaid items.

## SCHEDULE

From and including (cubic yards)	Up to but not including (cubic yards)	Charge per hour (less operator's wages)		
		A	B	C
3	4	\$1.50	\$1.20	\$1.35
4	5	1.80	1.45	1.65
5	6	2.25	1.80	2.05
6	7	2.40	1.95	2.15
7	8	2.65	2.15	2.40
8	9	3.25	2.60	2.95
9	10	3.65	2.95	3.30
10	12	4.40	3.55	3.95
12	12	4.70	3.75	4.25
Over 12 cubic yards, add for each cubic yard		.30	.29	.25
On all 3 axle, 10 tire trucks with drive on two rear axles, add.		.40	.49	.40

(2) The capacity of any truck shall be determined by using the water-level capacity of the permanent body, exclusive of the capacity added by sideboards, or other removable extensions or additions. It shall be a violation of this regulation for any lessor to refuse to supply sideboards, on any type of work where he has customarily supplied the same, in order to obtain greater aggregate rental for his trucks.

(3) Column A rates apply where the loading is performed by power loading devices except where the material is processed sand, gravel, crushed stone, or other processed materials in stock piles at a commercial producing plant, at point of construction or at an intermediate point of transfer. A hopper, chute, bunker, or conveyor shall not be deemed to be a power loading device.

Column B rates apply where the loading is performed by hand and where the average mileage of the vehicle does not exceed 8 miles per hour for the period of time the vehicle is in use each day.

Column C rates apply where transportation or loading is performed under conditions other than those described for application of Column A or B rates. Column C rates apply where the loading is by hopper, chute, bunker, or conveyor.

(4) On any job where the lessee finds it impossible or impracticable, because of the shifting of trucks from one type of loading to another, to calculate the rental according to the several services rendered by each truck, the lessee may pay, as a maximum rental price for the job, a price calculated on the basis of any rate, or combination of rates, which do not exceed the applicable rates set forth in Column A above.

(5) Irrespective of the basis of contract, in no event shall any rental paid or received for dump trucks exceed the maximum rental permitted by application of the foregoing hourly rates.

(6) In every instance, the foregoing maximum hourly rates shall apply irrespective of the length of time that a truck is on the job, except that where the lessor is required to pay his truck operator overtime wages on any job because of overtime operation of the truck, there may be added to the maximum rental the dollar amount, determined according to wage rates in effect on March 31, 1942, of so much of the excess of overtime wages over straight time wages as is actually paid the operator because of overtime operation of the truck.

(7) In every instance, rental for any dump truck rented on a fully operated basis shall be calculated, in accordance with this paragraph, as beginning from the time the truck arrives on the job ready for use and as ending when the truck is finally released on the job for return to the lessor, except that where the truck must be moved daily to and from the job, the lessor may charge the lessee an additional hour's rent at the applicable maximum rate for each day that the truck is moved to and from the job.

(8) The Office of Price Administration, or any Regional Office of the Office of Price Administration, or any district office duly authorized by a Regional Office, may authorize for a particular job, an increase in the rental provided by the foregoing hourly rates, not exceeding 10% of the applicable maximum, where the lessor, prior to charging the higher rental, has satisfactorily shown that his equipment is to be used on such job more than 25 miles from his yard and that his costs will be materially increased by reason of such use.

(9) The Office of Price Administration may at any time by order authorize maximum rental rates for dump trucks rented on a fully operated basis, other than those provided by this paragraph, applicable to any group of lessors, or all lessors, for (i) a designated geographical area, or (ii) a specified type of work.

(10) The following sections of the regulation, where relevant, shall apply to dump trucks rented on a fully operated basis: §§ 1399.1, 1399.4, 1399.7, 1399.8, 1399.9, 1399.10, 1399.11, and 1399.12.

(b) *Dump trucks: bare basis.* (1) The maximum rental price for any dump truck rented on a bare basis shall be a price calculated on the basis of a monthly rate equal to the applicable percentage, according to the value of such trucks, as set forth on the Schedule below, of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale to any domestic class of purchasers of the nearest equivalent new dump truck, or the nearest equivalent new truck chassis and the nearest equivalent new extra, special, or optional equipment which may have been added to complete the rented truck: The maximum rate per week shall not exceed  $\frac{1}{3}$  of the maximum rate per month; the maximum rate per day shall not exceed  $\frac{1}{12}$  of the maximum rate per month:

SCHEDULE

Maximum price of truck, or chassis and equipment	A B C		
	Per- cent	Per- cent	Per- cent
Up to and including \$4,000.00.....	9	7	8
Over \$4,000.00 to \$5,000.00.....	8	6.5	7
Over \$5,000.00.....	7	5.5	6.5
Half-track dump trucks.....	9	8	7

(2) Determination of truck capacities and application of the foregoing rates shall be governed by the provisions of paragraphs (a) (1), (2), (3), and (7) of this section.

(3) In every instance, rental for dump trucks leased on a bare basis shall be calculated as beginning at the time trucks are delivered into possession of the lessee, and as terminating at the time when trucks are delivered back into the possession of the lessor.

(4) The following sections of the regulation, where relevant, shall apply to, and govern, the rental of dump trucks rented on a bare basis: §§ 1399.1, 1399.2, 1399.3,

1399.4, 1399.7, 1399.8, 1399.9, 1399.10, 1399.11, and 1399.12.

(5) Maximum charges for partial operating and maintenance services supplied by lessors in connection with the rental of dump trucks, not amounting to a fully operated service, shall be charges established in accordance with the applicable provisions of § 1399.5.

(c) *Truck and trailer mounted equipment.* (1) The maximum rental price for any combination machine consisting of any construction or road maintenance equipment mounted on automotive trucks or trailers and rented on a bare basis shall be a price calculated on the basis of a monthly rate which shall be equal to the sum of the following: (i) the maximum monthly rental rate for such equipment in accordance with § 1399.15, Appendix A, and (ii) a maximum monthly rental rate for the truck or trailer equal, for trucks to 7% and for trailers to  $5\frac{1}{2}\%$ , of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale, to any domestic class of purchaser, of the nearest equivalent new truck or trailer or the nearest equivalent new truck or trailer chassis and the nearest equivalent new extra, special, or optional equipment which may have been added to complete the rented truck or trailer. Maximum weekly rental rates shall not exceed  $\frac{1}{3}$ , and maximum daily rates shall not exceed  $\frac{1}{12}$ , of the foregoing maximum monthly rates.

(2) Maximum charges for operating and maintenance services supplied by lessors in connection with rental of truck or trailer mounted equipment, whether amounting to a fully, or partially, operated service shall be charges established in accordance with the application provisions of § 1399.5.

(3) The following sections of the regulation shall, where relevant, apply to, and govern, the rental of truck or trailer mounted equipment, whether on a bare, or a fully or partially operated, basis: §§ 1399.1 to 1399.12, inclusive.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 1st day of July 1943.

FRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-10638; Filed, July 1, 1943; 4:23 p. m.]

#### PART 1351—FOOD AND FOOD PRODUCTS

[MFR 236, Amdt. 4]

FLOUR FROM WHEAT, SEMOLINA AND FARINA  
SOLD BY MILLERS AND BLENDERS

#### Correction

In § 1351.1666 (XVII) of the document appearing on page 7593 of the issue for Tuesday, June 8, 1943, the first line of the second table in paragraph (f) should read: "Outside jute envelopes (1 to 2 cwt.) ..... 17 $\frac{1}{2}$ ".

## PART 1351—FOOD AND FOOD PRODUCTS

[Rev. MPR 271,<sup>1</sup> Amdt. 3]

## POTATOES AND ONIONS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Revised Maximum Price Regulation 271 is amended in the following respects:

1. Section 6 is amended to read as follows:

SEC. 6. *Purposes.* The purposes of this regulation are to establish maximum prices for table stock potatoes, for certified and selected seed potatoes, and for onions, for all sales except sales at retail.

2. Section 8 (a) (3) is amended to read as follows:

(3) "Country shipper" means any person, including a grower or grower's sales agent, who makes sales from a farm or other country shipping point to any other person.

3. Section 8 (a) (10) is amended to read as follows:

(10) "Country shipping point" means a farm or other place in or near the producing area from which potatoes and onions are sold, shipped, delivered, or otherwise transferred to any person, or at which potatoes and onions are prepared for sale, shipment, delivery, or other transfer to any person. "Prepared" means, but is not limited to, loading, sacking, grading, sizing or harvesting.

4. Section 8 (a) (17) is amended to read as follows:

(17) "Cost of transportation" means:  
(i) If shipment is by a common carrier whose maximum rates and charges are regulated by the Interstate Commerce Commission or other Federal or State regulatory body, the amount actually paid to the carrier, in conformance with its lawfully established rates and charges, including charges for pre-cooling, icing and other protective or accessorial services actually performed. Any allowance made by the carrier to a shipper or consignee for performing pre-cooling or other services may, nevertheless, be included in "cost of transportation" and may be retained by the person performing the services for which the allowance is made. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 may be added.

(ii) If shipment is by a carrier for hire other than a common carrier (such as a contract carrier) the amount actually paid to the carrier but not in excess of the maximum charges as determined by the General Maximum Price Regulation, amendments, and supplementary regulations thereto, or such other regulations of the Office of Price Administration as may be applicable to the services

of such carrier at the time of movement. The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942 may be added.

(iii) If shipment is by a carrier other than described in (i) and (ii) above (such as an unregulated common carrier or a private carrier) the amount actually paid to the carrier but not in excess of an amount computed by applying to the actual weight of the shipment the lowest published rail carload rate between the rail stations nearest to the points of origin and destination plus rail charges for protective and accessorial services if equivalent services are performed. If the shipment is less than 20,000 pounds, an additional charge of 2 cents per 100 pounds may be made, provided that the total charge for a shipment of less than 20,000 pounds shall not exceed the charge for a shipment of 20,000 pounds. In applying rail accessorial and protective charges which are stated in amounts per car, the per car charge may be made against a shipment of 20,000 pounds or more moving in a single conveyance, but only the proportion of such per car charge which the weight of the shipment bears to 20,000 pounds, may be made against a shipment of less than 20,000 pounds. When precooling or icing, not included in the carrier rates and charges, is performed by or for account of the shipper, the cost of this service, but not to exceed maximum prices prescribed by Maximum Price Regulation 165, may be added.

(iv) If shipment is by a means owned or controlled by the seller an amount not in excess of the lowest of the rates mentioned in (i), (ii), or (iii) above, available to the seller:

The amount of the transportation tax imposed by section 620 of the Revenue Act of 1942, may be added, if the shipment is subject to that tax.

5. Section 8 (a) (19) is amended to read as follows:

(19) A "carlot sale" or a "trucklot sale" means a sale of a quantity of potatoes or onions shipped in one car or truck or other conveyance at one time, out of which 75% or more by weight is sold to one person. The sale of the remaining quantity to another person or persons may be considered a less-than-carlot sale or less-than-trucklot sale. The sale of that proportion of potatoes or onions moving in a mixed carload or mixed truckload with another commodity or commodities must be on the basis of a "carlot sale" or "trucklot sale" if the entire carload or truckload or 75% thereof by weight is sold to one person.

6. Section 9 (b) (2) is amended to read as follows:

(2) For sales of potatoes and onions by country shippers on a delivered basis in the terminal market or other wholesale receiving point, the maximum price per cwt. (in the case of potatoes) and per 50 pounds (in the case of onions) shall be the maximum price f. o. b. country shipping point, plus the cost of transportation (as defined in section 8 (a) (17), from the country shipping point to

the terminal market or other wholesale receiving point, plus

6 cents per cwt. for potatoes.  
4 cents per 50 pounds for onions.

7. Section 9 (h) is added to read as follows:

(h) Every country shipper making a sale to any person shall either furnish an invoice or other document of sale, or shall attach a tag or label to each sack or bag of potatoes or onions, on which shall be stated the state in which the potatoes or onions were grown, and the month and year of the sale.

8. Section 9 (g) is amended to read as follows:

(g) If any person makes sales at terminal auction, the maximum price for such sales shall be the maximum price computed under section 9 (a) and 9 (b) (1) and (2) plus a commission to the seller not exceeding 15 cents per cwt. for potatoes, or 10 cents per 50 pounds for onions. All expenses of the sale, including charges of the auction market, shall be paid out of the commission, and the amount of the commission shall not be added to the intermediate seller's base price.

9. Section 10 is amended to read as follows:

SEC. 10. *Maximum prices for carlot or trucklot distributors.* If any person other than a country shipper (a) purchases potatoes or onions in carlots and resells such potatoes or onions in carlots in a terminal market or other wholesale receiving point or (b) purchases potatoes or onions in trucklots and resells such potatoes or onions in trucklots (without breaking the original trucklot) at a terminal market or other wholesale receiving point, the maximum price per cwt. (in the case of potatoes) and per 50 pounds (in the case of onions) shall be the maximum price f. o. b. country shipping point plus the cost of transportation (as defined in section 8 (a) (17)) from the country shipping point to the terminal market or other wholesale receiving point plus

14 cents per cwt. for potatoes.  
8 cents per 50 pounds for onions.

10. The text of section 11 is amended to read as follows:

SEC. 11. *Maximum prices for intermediate sellers—(a) Base prices for intermediate sellers.* A seller's "base price" shall be the maximum price f. o. b. country shipping point per cwt. (in the case of potatoes) and per 50 pounds (in the case of onions) plus the cost of transportation (as defined in section 8 (a) (17)) from the country shipping point to the terminal market or other wholesale receiving point, plus (but only if applicable and actually paid):

11. Section 11 (c) (7) is amended to read as follows:

(7) The maximum dollar-and-cents markups provided herein for intermediate sellers include all items of cost involved in making local deliveries within a metropolitan area or city limits. Any

\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 8 F.R. 7017, 7494, 8075.

TABLE III—WHITE FLESH POTATOES (1943 CROP)—Continued

State	Producing area	July 1943	August 1943	September 1943
<b>SOUTH ATLANTIC</b>				
Delaware.....	All.....	\$2.70	\$2.70	\$2.50
Florida.....	All.....	2.70	2.70	2.50
Georgia.....	All.....	2.70	2.70	2.50
Maryland.....	All.....	2.70	2.70	2.50
North Carolina.....	All.....	2.70	2.70	2.50
South Carolina.....	All.....	2.70	2.70	2.50
Virginia.....	All.....	2.70	2.70	2.50
West Virginia.....	All.....	2.70	2.70	2.50
<b>SOUTH CENTRAL</b>				
Kentucky.....	All.....	2.70	2.70	2.50
Tennessee.....	All.....	2.70	2.70	2.50
Alabama.....	All.....	2.70	2.70	2.50
Mississippi.....	All.....	2.70	2.70	2.50
Arkansas.....	All.....	2.70	2.70	2.50
Louisiana.....	All.....	2.70	2.70	2.50
Oklahoma.....	All.....	2.70	2.70	2.50
Texas.....	All.....	2.70	2.70	2.50
<b>WEST</b>				
Montana.....	Medison, Gallatin, Beaverhead Counties.....	2.60	2.60	2.50
Idaho.....	Rest of State.....	2.60	2.60	2.50
Wyoming.....	All.....	2.60	2.60	2.50
Colorado.....	San Luis Valley.....	2.60	2.60	2.50
	Greely District.....	2.60	2.60	2.50
	Western Slope.....	2.60	2.60	2.50
New Mexico.....	All.....	2.70	2.70	2.50
Arizona.....	All.....	2.70	2.70	2.50
Utah.....	All.....	2.70	2.70	2.50
Nevada.....	All.....	2.70	2.70	2.50
Washington.....	All.....	2.70	2.70	2.50
Oregon.....	Malheur County.....	2.60	2.60	2.50
	Curry, Jackson, Josephine, Klamath, Lake, Harney Counties.....	2.60	2.60	2.50
	Rest of State.....	2.70	2.70	2.50
California.....	Modoc and Shasta Counties.....	2.60	2.60	2.50
	San Joaquin, Kern, San Bernardino and all south thereof.....	2.60	2.60	2.50
	Rest of State.....	2.70	2.70	2.50

The following differentials for certain grades, sizes, packages and types of pack shall be applicable to country shippers of white potatoes:

- Grade differentials:
  - For white potatoes, U. S. Extra No. 1 grade or better, packed in bags, the country shipper may add 10¢ per cwt. to the maximum price for U. S. No. 1 grade.
  - For white potatoes which grade below U. S. No. 1 grade, but which are 85% U. S. No. 1, U. S. Commercial, or better, packed in bags, the country shipper shall subtract 10¢ from the maximum price for U. S. No. 1 grade.
  - For white potatoes of grades lower than U. S. No. 1, U. S. Commercial or better, including ungraded and undersized white potatoes packed in bags, the country shipper shall subtract 35¢ per cwt. from the maximum price for U. S. No. 1 grade.
  - For size B white potatoes, the country shipper shall subtract 35¢ per cwt. from the maximum price stated above.
- Size differentials applicable to all grades (except as noted):
  - For white potatoes, because minimum size, packed in bags, the country shipper may add 15¢ per cwt. to the maximum price for each grade.
  - For white potatoes of 3-inch minimum size or U. S. No. 1 or better, packed in bags, the country shipper may add 10¢ to the maximum price for each grade except U. S. Extra No. 1 grade or better. Potatoes which are both 3-inch minimum and size A are entitled to only the 10¢ differential.
  - Packaging differentials applicable to all grades and sizes:
    - For white potatoes packed in paper bags the country shipper may add 20¢ per cwt. for 10-lb. bags, and 10¢ per cwt. for 5-lb. bags to the maximum price.
    - For white potatoes, packed in cotton or mesh bags of 25 pounds, the country shipper may add 20¢ per cwt. to the maximum price for each grade and size.
    - For white potatoes packed in 16-pound bags of cotton or mesh, the country shipper may add 30¢ per cwt. to the maximum price for each grade and size.
    - For white potatoes, packed in 10-pound bags of cotton or mesh, the country shipper may add 40¢ per cwt. to the maximum price for each grade and size.
    - For white potatoes sold either in bulk or in containers furnished by the purchaser, the country shipper shall subtract 20¢ from the maximum price for each grade and size.
    - Where prices are not listed for any state and month the price shown for September will be in effect as long as the supply lasts.

provided by this regulation, the regional office of the Office of Price Administration having jurisdiction over the seller or the sellers or such District Office as may be authorized by the appropriate Regional Office shall reduce the maximum prices for such intermediate sellers. However, in no case shall the maximum prices provided by this regulation be increased.

12. Section 13 is amended to read as follows:

SEC. 13 *Prohibition against joint accounts and/or sharing of margins.* All joint account arrangements between persons covered by this regulation are hereby prohibited.

Except as provided in sections 9 (c) and 9 (e), no grower or country shipper may share in or receive any part of any brokerage, commission or other markup permitted, established or allowed by this regulation.

13. In Table 1 of section 24 the prices \$2.45 for Minnesota red skinned potatoes for May 1943 and June 1943 are amended to read \$2.35.

14. Table III, section 24 is amended as follows:

TABLE III—WHITE FLESH POTATOES (1943 CROP)<sup>1</sup>  
[Maximum prices per 100 pounds, U. S. No. 1 Grade, packed and loaded on carrier, all varieties]

State	Producing area	July 1943	August 1943	September 1943
<b>NORTH ATLANTIC</b>				
Maine.....	All.....	2.60	2.40	2.25
New Hampshire.....	All.....	2.60	2.40	2.25
Vermont.....	All.....	2.60	2.40	2.25
Massachusetts.....	All.....	2.60	2.40	2.25
Rhode Island.....	All.....	2.60	2.40	2.25
Connecticut.....	All.....	2.60	2.40	2.25
New York.....	Rest of State.....	2.60	2.40	2.25
Pennsylvania.....	All.....	2.60	2.40	2.25
<b>EAST NORTH CENTRAL</b>				
Ohio.....	All.....	2.60	2.40	2.25
Indiana.....	All.....	2.60	2.40	2.25
Illinois.....	All.....	2.60	2.40	2.25
Michigan.....	All.....	2.60	2.40	2.25
Wisconsin.....	All.....	2.60	2.40	2.25
<b>WEST NORTH CENTRAL</b>				
Minnesota.....	Red River Valley.....	2.60	2.40	2.25
	Rest of State.....	2.60	2.40	2.25
Iowa.....	Hollandale District.....	2.60	2.40	2.25
	Rest of State.....	2.60	2.40	2.25
Missouri.....	All.....	2.60	2.40	2.25
North Dakota.....	All.....	2.60	2.40	2.25
South Dakota.....	All.....	2.60	2.40	2.25
Nebraska.....	All.....	2.60	2.40	2.25
Kansas.....	All.....	2.60	2.40	2.25

intermediate seller delivering potatoes or onions to institutions or retail stores outside his free delivery zone may charge different delivered prices in such other areas or zones in which deliveries are made as follows: (1) He first determines his delivered prices for each of these areas or zones by adding to the prices established by this regulation an amount not exceeding the average cost of delivery to the institution or retailers in the area or zone. (2) In determining the average cost of delivery to the retailers in the area or zone no rate shall be used which is in excess of the lowest common or contract carrier rate for available transportation. (3) If such a delivery charge is made, the amount of this delivery charge shall be included as part of the maximum price established by this regulation. Before using such a zone differential, the intermediate seller shall report it in writing to the nearest regional, state or district office of the Office of Price Administration having jurisdiction over the seller. If a particular class of intermediate sellers have normally operated on the basis of markups which are lower than the markups



15. In Table IV of section 24, the period "June 1, 1943 through June 30, 1943" is amended to read "June 1, 1943 through July 15, 1943."

This amendment shall become effective this 1st day of July 1943.

Issued this 30th day of June 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

PRENTISS M. BROWN,  
Administrator.

Approved:

MARVIN JONES,  
War Food Administrator.

[F. R. Doc. 43-10632; Filed, July 1, 1943;  
3:33 p. m.]

## PART 1376—FLUORITE

[Rev. MPR 126]

### FLUORSPAR

Maximum Price Regulation No. 126, as amended,<sup>2</sup> is redesignated Revised Maximum Price Regulation No. 126 and is revised and amended to read as set forth herein.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

In the judgment of the Price Administrator, it is necessary and proper in so far as practicable to establish a uniform system of determining maximum prices for the commercial grades of fluorspar. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended.

§ 1376.1 *Maximum prices for fluorspar.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Revised Maximum Price Regulation No. 126 (Fluorspar), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1376.1 issued under Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

REVISED MAXIMUM PRICE REGULATION No. 126—  
FLUORSPAR

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\*Copies may be obtained from the Office of Price Administration.

<sup>1</sup> 7 F.R. 3189, 8948.

##### Sec.

6. Packing charges and L. C. L. handling charges.
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SECTION 1. *Prohibition against selling fluorspar at prices above maximum prices.* On and after July 1, 1943, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver any fluorspar and no person shall buy or receive any fluorspar in the course of trade or business from any seller at a price in excess of the maximum prices established by this regulation; and no person shall agree, offer, solicit, or attempt to do any of the foregoing.

Sec. 2. *Exemption of fluorspar ores and toll agreements.*—(a) *Fluorspar ores.* The provisions of this Revised Maximum Price Regulation No. 126 and of the General Maximum Price Regulation shall not apply to the sale or delivery of any crude fluorspar ores.

(b) *Toll agreements.* The provisions of Revised Maximum Price Regulation No. 126 and of the General Maximum Price Regulation shall not apply to any agreement or contract which provides for the milling, grinding, or other processing of fluorspar ore.

Sec. 3. *Maximum prices for metallurgical grade fluorspar.*—(a) *Prior to August 30, 1943.* (1) Prior to August 30, 1943, the maximum price f. o. b. a consumer's plant on any shipment of metallurgical grade fluorspar shall be the price for the effective CaF<sub>2</sub> content as listed in the following table, plus either (i) railroad freight on such shipment from the producer's shipping point to the consumer's plant, or (ii) railroad freight on such shipment from Rosiclare, Illinois, to the consumer's plant, whichever is lower:

Effective CaF <sub>2</sub> content:	Base price per short ton
70% or more	\$33.00
65% but less than 70%	\$2.00
60% but less than 65%	\$1.00
Less than 60%	\$0.00

(2) The maximum price f. o. b. a producer's railroad or waterway shipping point shall be his maximum delivered price as determined under subparagraph (1) less freight from such shipping point to the consumer's plant.

(3) The effective CaF<sub>2</sub> content shall be determined by deducting 2½ times the SiO<sub>2</sub> content from the CaF<sub>2</sub> content. (Example: The effective CaF<sub>2</sub> content of fluorspar with the specifications of 85% CaF<sub>2</sub> and 5% SiO<sub>2</sub> is determined as follows: 85 — 2½ × 5 = 72½%.)

(4) Examples: The maximum price per ton f. o. b. shipping point at Marion, Kentucky, on a carload sale of metallurgical grade fluorspar with an 84% CaF<sub>2</sub> and 5% SiO<sub>2</sub> content to a consumer at

Pittsburgh would be \$33.00. This price is obtained by first calculating the effective CaF<sub>2</sub> content which is 84 — 2½ × 5, or 71½%, for which the above table establishes a maximum base price of \$33.00. Next, to this should be added the lower of the railroad freights from Marion to Pittsburgh and from Rosiclare to Pittsburgh respectively. Since these are both \$5.78, the delivered price is \$33.00 plus \$5.78, or \$38.78. To obtain the f. o. b. shipping point price, the freight of \$5.78 from Marion to Pittsburgh is deducted from the delivered price of \$38.78 which results in a maximum f. o. b. shipping point price of \$33.00.

If this shipment were made from Salida, Colorado, to Pittsburgh, the maximum delivered price would be \$38.78, since the freight of \$5.78 from Rosiclare to Pittsburgh is less than the freight of \$11.22 from Salida to Pittsburgh. The maximum price f. o. b. the seller's shipping point would be \$27.56, that is, \$38.78 minus \$11.22.

Similarly, if the shipment were made from Salida to Longview, Washington, the maximum delivered price would be \$43.60, representing \$33.00 plus freight of \$10.60 from Salida to Longview, which is less than the freight of \$18.80 from Rosiclare to Longview. The maximum price f. o. b. the seller's shipping point would be \$33.00, that is, \$43.60 minus \$10.60.

For simplification, the 3% transportation tax has been disregarded in setting forth the above examples. In practice, however, it must be considered as an addition to the freight rate in each instance.

(b) *On and after August 30, 1943.* (1) On and after August 30, 1943 the maximum price f. o. b. a consumer's plant on any shipment of metallurgical grade fluorspar shall be \$30.00 per short ton, plus either (i) railroad freight on such shipment from the producer's shipping point to the consumer's plant, or (ii) railroad freight on such shipment from Rosiclare, Illinois, to the consumer's plant, whichever is lower: *Provided, however,* That on a sale or delivery with respect to which the Steel Division of the War Production Board has certified in writing to the producer that one of the higher grades of metallurgical fluorspar specified in the table set forth in subparagraph (a) (1) above is required by the purchaser, the maximum price shall be computed by using, in place of \$30.00, the applicable base price set forth in said table for the respective grade of fluorspar so certified.

Sec. 4. *Maximum prices for acid and ceramic grades of fluorspar.* (a) The maximum price f. o. b. a consumer's plant for any shipment of acid or ceramic grade fluorspar shall be \$37.00 per ton, plus either (1) railroad freight on such shipment from the seller's shipping point to the consumer's plant or (2) railroad freight on such shipment from Rosiclare, Illinois, to the consumer's plant, whichever is lower: *Provided,* That on all sales or deliveries made by the Metals Reserve Company of acid grade fluorspar and on all sales

or deliveries of acid grade fluorspar to a buyer who has customarily bought on a premium and penalty basis, the maximum price for any sale or delivery shall be computed by taking as the base price the maximum price established in this section for a base analysis of 97.5% CaF<sub>2</sub> and 1.5% SiO<sub>2</sub> and applying thereto in the case of sales or deliveries to a buyer who has customarily bought on a premium and penalty basis the premiums and penalties customarily applied by such buyer, and in the case of sales or deliveries by the Metals Reserve Company the following premiums and penalties:

#### PREMIUMS

CaF<sub>2</sub> above 97.5%—3% of the delivered price, established in this paragraph, for each 1%.

SiO<sub>2</sub> below 1.5%—10% of the delivered price, established in this paragraph, for each 1%.

#### PENALTIES

CaF<sub>2</sub> below 97.5%—3% of the delivered price, established in this paragraph, for each 1%.

SiO<sub>2</sub> above 1.5%—10% of the delivered price, established in this paragraph, for each 1%.

Fractions of percentages may be calculated proportionately.

Each seller, except the Metals Reserve Company, shall file with the Non-Ferrous Metals Branch, Office of Price Administration, Washington, D. C., all such premiums and penalties to which he is subject on or before August 1, 1943, unless such seller has already filed such information with that Office, and thereafter within 10 days after he becomes subject to any new or different premiums or penalties. Any seller who first becomes subject to any premiums or penalties after the effective date of this regulation shall file such premiums and penalties with the Non-Ferrous Metals Branch of the Office of Price Administration, Washington, D. C., within 30 days after the first sale or delivery of fluorspar subject to such premiums and penalties.

(b) The maximum price f. o. b. a producer's railroad or waterway shipping point for acid or ceramic grade fluorspar shall be his maximum delivered price as determined under paragraph (a) of this section, less freight from such shipping point to the consumer's plant.

SEC. 5. *Maximum prices for sales of lead-free fluorspar to the International Nickel Company, Inc.* Any person may sell or deliver to the International Nickel Company, Inc., Huntington, West Virginia, and the International Nickel Company, Inc., may buy and receive from any person, lead-free fluorspar at a price not in excess of \$3.75 per ton above the maximum prices established by this Regulation for the applicable grade.

SEC. 6. *Packing charges and less-than-carload handling charges.* Each seller may add to the maximum prices established in this Regulation his customary charges for fluorspar when packed in bags, or otherwise specially packaged, or when shipped in less-than-carload lots.

SEC. 7. *Discount and credit provisions.* In determining a maximum price, as provided in this Regulation, "maximum price" shall mean "net price", i. e. sub-

ject to all discounts for cash payments and other credit provisions applicable on January 2, 1942.

SEC. 8. *Imports.* The maximum prices established by this Regulation shall apply to all import purchases and subsequent sales or deliveries of fluorspar imported into the forty-eight states of the United States or the District of Columbia.

SEC. 9. *Export sales.* Export sales of fluorspar shall be subject to the provisions of the Second Revised Maximum Export Price Regulation<sup>2</sup> issued by the Office of Price Administration and any additions thereto and revisions thereof.

SEC. 10. *Idle or frozen materials.* The maximum price at which any person may sell or deliver idle or frozen fluorspar shall be determined in accordance with the provisions of Maximum Price Regulation No. 204<sup>3</sup> on Idle or Frozen Materials Sold Under Priorities Regulation No. 13.

SEC. 11. *Less than maximum prices.* Lower prices than those established by this Regulation may be charged, demanded, paid or offered.

SEC. 12. *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of delivery; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after delivery. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution of production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration to whom the authority to grant such authorization has been delegated. The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

SEC. 13. *Prohibited evasive practices.* The price limitations set forth in this Revised Maximum Price Regulation No. 126 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of, or relating to fluorspar, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

SEC. 14. *Records and reports.* (a) Every person making sales or deliveries of fluorspar, and every person making purchases or accepting delivery of fluorspar in the course of trade or business, shall keep for inspection by the Office of Price Administration for so long a period as the Emergency Price Control Act of 1942, as amended, remains in ef-

fect, complete and accurate records of each such sale, purchase, or delivery showing the date thereof, the name of the purchaser or seller, the quantity and grade of fluorspar sold, purchased, or delivered, and the price received or paid therefor.

(b) Such persons shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require.

SEC. 15. *Enforcement.* Persons violating any provision of this Revised Maximum Price Regulation No. 126 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended.

SEC. 16. *Applications for adjustment and petitions for amendment.*—(a) *Applications for adjustment.* Whenever it appears that a producer of metallurgical or acid grade fluorspar is unable to maintain or to expand his production at his maximum price or prices, the Office of Price Administration may, either on application for adjustment in accordance with the provisions of Revised Procedural Regulation No. 1,<sup>4</sup> or on its own motion, adjust his maximum price by an amount necessary to permit the maintenance or expansion of such production upon a reasonable operating margin. In determining such margin, consideration will be given to such factors as:

(1) Revenue from sales of metallurgical or acid grades of fluorspar and from all other sources, and

(2) Mining, development, milling, and transportation costs, administrative and sales expenses, depreciation and depletion charges, taxes (excluding Federal and State income taxes), and capital investment.

Before filing an application for adjustment, it is suggested that each applicant obtain from the Office of Price Administration, Washington, D. C., a statement of the specific information that will be necessary in order that his application may receive prompt action.

(b) *Petitions for amendment.* Any person seeking amendment of any provision of this Revised Maximum Price Regulation No. 126 may file a petition for an amendment in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

SEC. 17. *Agreements with Office of Price Administration.* This Revised Maximum Price Regulation No. 126 supersedes any agreements previously made and any orders or regulations previously issued by the Office of Price Administration with regard to fluorspar prices.

SEC. 18. *Definitions.* (a) When used in this Revised Maximum Price Regulation No. 126, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any

<sup>2</sup> 8 FR. 4132, 5387, 7682.

<sup>3</sup> 7 FR. 6479, 7306, 6948.

<sup>4</sup> 7 FR. 6361; 8 FR. 3313, 3533, 6173.

of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Producer" includes persons who mine, or otherwise remove fluorspar from the place where it is naturally found, and persons who purchase fluorspar, mill the same, and resell it.

(3) "Fluorspar" includes only commercial grades of fluorspar and shall not include any extremely fine grades sometimes referred to as the "optical grades."

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942, as amended, shall apply to other terms used herein.

NOTE: The reporting and record keeping requirements of this Regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Revised Maximum Price Regulation No. 126 shall become effective July 1, 1943.

Issued this 1st day of July 1943.

PRENTISS M. BROWN,  
Administrator.

[F. R. Doc. 43-10639; Filed, July 1, 1943;  
4:29 p. m.]

## TITLE 46—SHIPPING

### Chapter II—Coast Guard: Inspection and Navigation

#### VESSELS ENGAGED IN BUSINESS CONNECTED WITH THE CONDUCT OF THE WAR

##### WAIVER OF NAVIGATION AND VESSEL INSPECTION LAWS

Pursuant to the authority vested in me by the order of the Acting Secretary of the Navy, dated October 1, 1942, 7 F.R. 7979, and to simplify the procedure for making effective the waiver of compliance with the navigation and vessels inspection laws made by such order of the Acting Secretary and thus avoid delays in the departure of vessels engaged in business connected with the conduct of the war, bring about a proper balance between military urgency and safety at sea, make the penalties provided by law inoperative with respect to certain vessels which unavoidably sail without having fully complied with such laws, or which for military reasons may be navigated not in compliance therewith, and otherwise further the conduct of the war, I find, in the case of vessels engaged in business connected with the conduct of the war, that the waiver of compliance with the navigation and vessel inspection laws administered by the Coast Guard is necessary in the conduct of the war, to the extent and in the manner and upon the terms and conditions set forth in the succeeding numbered paragraphs:

1. An application requesting that the waiver made by the Acting Secretary of the Navy, dated October 1, 1942, 7 F.R. 7979, be made effective with respect to a particular vessel engaged in business

connected with the conduct of the war, may be made by any authorized representative of an agency of the United States Government or any other interested person (including the master, agent, or owner of the vessel involved). Except as provided in paragraph 3, the application shall be in writing. The application shall be delivered to the District Coast Guard Officer or his designated representative at the port where the vessel is located (or, in the case of vessels in foreign ports at which the Coast Guard has established facilities, to the designated representative of the Commandant). Every application shall contain a statement of the particular provisions of law with respect to which waiver of compliance is requested, a certification that the waiver of compliance with such laws with respect to the vessel involved is necessary in the conduct of the war, and an outline of the facts upon which such certification is based. The District Coast Guard Officer (or his designated representative, or the designated representative of the Commandant, as the case may be) shall promptly examine every application for the purpose of determining whether the necessity for prompt action is such as to require that the waiver be made effective by him without reference to Headquarters. In any case in which it appears to the Coast Guard officer concerned that reference of the application to Headquarters for action would not delay the sailing of the vessel or otherwise impede the war effort, the application shall be so referred. In all other cases such Coast Guard officer shall give immediate consideration to the application and if he reaches the conclusion that military urgency outweighs the marine hazard involved, then such waiver shall be effective in regard to such vessel to the extent and under the circumstances specified by him.

2. The Coast Guard officer making such waiver effective pursuant to paragraph 1 shall immediately prepare, in triplicate, an order setting forth the name of the vessel involved, the laws with respect to which the waiver is effective, the extent to which compliance with such laws is waived, and the period for which the waiver shall be effective. If practicable, one copy of this order shall be delivered to the master of the vessel involved before such vessel sails. In cases where the order is not delivered to the master, it shall be delivered to the owner, operator, or agent of the vessel without delay. One copy of the order shall be transmitted to Headquarters and the remaining copy kept on file.

3. In cases of extreme urgency the application for waiver may be made orally, and if the District Coast Guard Officer or such representative reaches the conclusion referred to in paragraph 1, the waiver shall be effective without further delay, subject to a condition subsequent that the application be reduced to writing and delivered within such period after the date of the oral request as the Coast Guard officer making the waiver effective shall specify in the order.

No penalty shall be imposed because of failure to comply with any provision of

law the waiver of which has been made effective pursuant hereto.

Nothing contained herein shall be deemed to supersede the Conditional Waiver of Manning Requirements contained in 8 F.R. 4736.

R. R. WAESCHE,  
Vice Admiral, U. S. Coast Guard,  
Commandant.

JULY 1, 1943.

[F. R. Doc. 43-10646; Filed, July 2, 1943;  
9:19 a. m.]

## Chapter IV—War Shipping Administration

[General Order 27, Revised]

### PART 301—GENERAL REGULATIONS

#### SALE, TRANSFER, AND CHARTER OF VESSELS

Pursuant to Executive Orders numbered 8989, 9054, and 9244, and in order to assure maximum utilization of the facilities, services, and equipment of carriers by watercraft for the preferential transportation of materials of war, and to prevent shortages of equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act; to expedite the movement and provide for the maximum flow of such traffic; and to assure the most effective utilization of the shipping of the United States and to conserve and providently utilize the transportation facilities and services of carriers by watercraft, the attainment of which purposes is essential to the successful prosecution of the war, *it is hereby ordered, That:*

- Sec.
- 301.4 Definitions.
- 301.5 Sale, transfer and charter of vessels.
- 301.6 Exemptions.
- 301.7 Ship Warrants Act and Shipping Act, 1916, not affected.
- 301.8 Revocation.
- 301.9 Federal Reports Act of 1942.
- 301.10 Communications.

AUTHORITY: §§ 301.4 to 301.10, inclusive, issued under E.O. 8989, 9054, 9244; 6 F.R. 6720, 7 F.R. 837, 7327.

§ 301.4 *Definitions.* As used in this order (§§ 301.4-301.10), or in any order, direction, permit, regulation or approval issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity.

(b) "Vessel" means any watercraft or other artificial contrivance of whatever description having a gross tonnage of 500 tons or more, or having power of 150 horsepower or more, (1) which is documented as a vessel of the United States, allocated to the United States, or owned or controlled by a citizen of the United States, and (2) which is designed or converted for use; which is used, or which is capable of being used, or is intended to be used as a means of transporting property or persons by water.

§ 301.5 *Sale, transfer, and charter of vessels.* (a) No person shall buy, sell,

transfer, or charter any vessel, or enter into any contract or agreement in contemplation of such purchase, sale, transfer, or charter without first securing approval thereof from either the Office of Defense Transportation or the War Shipping Administration, as the case may be, as hereinafter provided.

(b) Application for approval with respect to the following vessels shall be made to the War Shipping Administration in the form set forth in the appendix hereto: (1) vessels owned by or chartered or allocated to the War Shipping Administration, (2) vessels engaged in trade to or from Alaska, Puerto Rico, and the Hawaiian Islands, or vessels the last employment of which was in such trade, and (3) vessels, other than vessels operated exclusively on the Great Lakes, engaged in foreign trade or the last employment of which was in such trade.

(c) Application for approval with respect to all vessels not designated in § 301.5 (b) shall be made to the Office of Defense Transportation in the form hereto annexed.

§ 301.6 *Exemptions.* The provisions of this order shall not apply to (a) the requisition, sale, transfer, charter, or entry into a contract or agreement in contemplation of such requisition, sale, transfer, or charter by or with the Maritime Commission or the War Shipping Administration, or (b) vessels principally used or held for use for pleasure purposes or fishing, (c) vessels operated exclusively on the Great Lakes and which are equipped with a belt conveyor self-unloading device or which have been certified by the Office of Defense Transportation as capable of transporting iron ore, (d) the charter of vessels engaged in domestic trade when such charter is for a single voyage or will expire within 60 days after its execution and which does not contain an option for renewal, or (e) the charter of self-propelled tankers of 1000 gross tons or more operated other than on the Great Lakes and of other vessels described in § 301.5 (b) hereof, when such charter is filed with the War Shipping Administration by an applicant for a warrant pursuant to the Ship Warrants Act (Public Law 173, 77th Congress), the Ship Warrant Rules and Regulations of the War Shipping Administration (War Shipping Administration General Order No. 25; 8 F.R. 279), and any orders, conditions, rules and regulations heretofore or hereafter issued pursuant thereto.

§ 301.7 *Ship Warrants Act and Shipping Act, 1916, not affected.* Nothing in this order shall be construed to conflict with the Act of July 14, 1941 (Public Law 173, 77th Cong.) or any of the provisions of the Shipping Act, 1916, as amended (39 Stat. 728, Chap. 451, approved Sept. 7, 1916), or any rule or regulation issued thereunder.

§ 301.8 *Revocation.* War Shipping Administration General Order No. 27 (7 F.R. 9789) dated November 23, 1942, and War Shipping Administration General Order No. 27, Supplement No. 1 (7 F.R.

10299) dated December 8, 1942, are hereby revoked.

§ 301.9 *Federal Reports Act of 1942.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Specific reporting requirements subsequently prescribed will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 301.10 *Communications.* Communications concerning this order should be addressed to the Assistant Director in Charge Waterway Transport, Office of Defense Transportation, Washington, D. C., or Executive Assistant, Ship Operations, War Shipping Administration, Washington, D. C.

This order shall become effective July 2, 1943.

Issued at Washington, D. C., this 2d day of July 1943.

E. S. LAMP,

Administrator,

War Shipping Administration.

JOSEPH B. EASTMAN,

Director,

Office of Defense Transportation.

Budget Bureau Approval No. 03-R031

Approval expires Dec. 31, 1943

#### APPENDIX TO GENERAL ORDER 27, REVISED

APPLICATION FOR APPROVAL OF THE SALE, TRANSFER OR CHARTER OF A VESSEL PURSUANT TO A GENERAL ORDER ISSUED BY THE OFFICE OF DEFENSE TRANSPORTATION AND THE WAR SHIPPING ADMINISTRATION

(To be submitted in triplicate)

- Date.....
- I. Name of owner..... Address.....
- II. Name of purchaser..... Address.....  
charterer.....
- III. Name of vessel..... Official No.....  
type..... age..... flag..... size  
(gross)..... (d. w. t.)..... in operation.....  
where..... where..... laid up.....  
where..... how long.....  
are any preferred mortgages recorded against vessel.....
- IV. If vessel to be sold:  
(a) State business of purchaser.....  
(b) If not wholly owned by citizens of the United States, state percentage, names, and addresses of alien interests.....  
(c) Describe trade in which vessel to be employed by purchaser.....  
(d) Sales price..... Terms.....
- V. If vessel to be chartered:  
(a) State business of charterer.....  
(b) If not wholly owned by citizens of the United States, state percentage, names, and addresses of alien interests.....  
(c) Form of charter..... Duration.....  
Charter rate.....  
(d) Trading limits.....  
(e) Commodities to be carried.....  
(f) Loading date.....

NOTE: Applicant must submit certified copy of executed charter party with application, if possible. Advance approval may be obtained, however, in case of urgency, of above details submitted by telegram and later confirmed by letter with copy of charter party.

(Signature of applicant)

[F. R. Dec. 43-10657; Filed, July 2, 1943; 11:29 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Commission Order 116]

#### RATES AND CHARGES FOR GOVERNMENT COMMUNICATIONS BY TELEGRAPH

The Commission having under consideration the matter of rates and charges for Government communication by telegraph:

It is ordered:

1. That the charges for telegraph communications between the several departments of the Government and their officers, relating exclusively to the public business in their transmission over the lines or circuits of any telegraph company subject to the Post Roads Act, approved July 24, 1866, 14 Stat. 221, as amended (U.S.C. Title 47), shall not exceed eighty (80) per centum of the charges applicable to commercial communications of the corresponding classification, of the same length, and between the same points in the United States, which shall be deemed herein to include Alaska, subject to the following:

(a) The minimum charge for Day Messages (telegrams) shall be 25 cents, for Day Letters 45 cents, for Night Messages 20 cents, for Night Letters 30 cents, for Serial messages 54 cents, for Serial Longrams 60 cents and for Day Letter Longrams 45 cents, unless any of these amounts shall be greater than the minimum for a corresponding commercial message in which event the provision set forth in paragraph 4 below shall apply;

(b) A Day Letter shall be charged for as a Day Letter or a Day Message, according to which of these classifications shall produce the lower charge for the particular message;

(c) A Day Letter/Longram shall be charged for as a Day Letter/Longram or as a Day Message, according to which of these classifications shall produce the lower charge for the particular message;

(d) An overnight message shall be charged for as a Night Message or a Night Letter, according to which of these two classifications shall produce the lower charge for the particular message;

(e) When the first section of a Serial message is not followed by another on the same day, it shall be charged for as a Day Message; when more than one section is filed on the same day, the sections shall be charged for at the Serial rates or such section shall be charged for as a Day Message, according to which of these classifications shall produce the lower total charge;

(f) When the first section of a serial Longram is not followed by another on the same day, it shall be charged for as a Day Letter/Longram or as a Day Message, according to which of these two classifications shall produce the lower charge for the particular message; when more than one section of a serial Longram is filed on the same day, the sections shall be charged for at serial Longram rates or at Serial rates, or each section of the serial Longram shall be charged for as a Day Letter/Longram or as a Day Message, according to which

of these four classifications shall produce the lowest total charge; and

(g) The provisions of this paragraph shall apply only to Government messages filed as Day Messages, Day Letters, Day Letter/Longrams, Night Messages, Night Letters, Serial messages, and serial Longrams.

2. That the rates and charges for telegraph communication between the several departments of the Government and their officers, relating exclusively to the public business between points in the United States and points in possessions of the United States, between points in different possessions, and between points in the United States including such possessions and points in foreign countries and ships at sea, transmitted by any carrier or carriers subject to the Post Roads Act, or subject to the terms of a permit or license granted by the President of the United States giving the Postmaster General authority to fix rates for Government communications by telegraph (such a carrier being hereinafter called a domestic carrier) shall, between all points embraced within the scope of such Act, permit or license, not exceed fifty (50) per centum of the full ordinary charges applicable to commercial communications of the same length and between the same points, except that charges for Government code messages shall not exceed fifty (50) per centum of the charges for like commercial code messages, subject to the following:

(a) In cases where Government messages are transmitted between any of such points in part over the facilities of any domestic carrier and in part over the facilities of any other carrier, or administration, (hereinafter called a foreign carrier), the charges for Government communications shall not exceed the following:

(1) For Government communications between points in the United States and Mexico or Canada, the amounts derived by applying the percentages stated in the first ordering paragraph herein, to the prevailing commercial charges between the points of origin or destination in the United States and the border, plus the prevailing charges applicable to United States Government messages between points of origin or destination in Mexico or Canada and the border; and

(2) For Government communications between all other points, the amounts derived by applying the percentages specified in this paragraph, to the full portion of the commercial charges accruing to the domestic carriers, plus the charges actually made for United States Government communications by foreign carriers;

(b) The charges for Government ordinary messages between the following named points, shall be:

	Per word
Between Fisherman's Point, Guantánamo Bay, Cuba and Canal Zone.....	\$0.09
Between Limon, San Jose, and Puntarenas, C. R., and Canal Zone.....	.075
Between Manila and China:	
Shanghai.....	.10
Hongkong.....	.0575
Kwangsi, Kwangtung Provinces.....	.11
Macao.....	.11
Manchuria (Other than Japanese Offices).....	.15
All other places.....	.15

Between Manila and Japan:	Per word
Formosa.....	\$0.23
All other places, including Caroline Islands, Chosen-Corea, Jaluit (Marshall Islands), Japanese Saghalien, Kwangtung Peninsula (China), Palaos Islands, Pescadores Islands, Saipan (Marianne Islands) and Japanese Office in Manchuria.....	.235

and the charges for Government code messages between the foregoing points shall be 60 per centum of the charges above specified for Government ordinary messages;

(c) With respect to Government messages to and from ships at sea the percentages specified shall not apply to the coastal station and ship station charges; and

(d) With respect to Government night messages to and from points in Canada or Mexico transmitted by carriers having both night message and night letter classifications in effect to and from such points but having only night letter classifications in effect between points in the United States, such Government night messages shall be regarded as night letters for the purpose of determining the prevailing commercial charges for such messages to and from points in the United States and the border.

3. That if any new service shall be established, a supplementary order may be issued fixing the Government charge for such service.

4. That in no case shall the charge for a Government message exceed the charge for a corresponding commercial message.

5. That in cases where the charge for a Government message, as determined herein, shall include a fraction of a cent, such fraction, if less than one-half, shall be disregarded, if one-half or more, it shall be counted as one cent; except that the charge for Government code messages shall be rounded up to the next higher half cent, if the fraction be less than one-half and to a full cent, if the fraction be more than one-half.

6. That every Government message shall have priority over all other messages of the same classification, and every Government day message, serial message, ordinary message and code message shall also have priority over all other messages regardless of the classification; and every Government message shall, unless otherwise provided herein, be subject to the classifications, practices and regulations applicable to the corresponding commercial communications.

7. That every domestic carrier which is subject to the Communications Act of 1934, shall immediately file with this Commission all schedules of charges applicable to Government communications established pursuant to this order, said schedules to be filed in full compliance with the requirements of section 203 of the Communications Act of 1934, and with Part 61 of the Commission's Rules and Regulations (Title 47—Telecommunications), to be constructed in such manner and form that the full charges for all Government messages from origins to destinations can be exactly and readily ascertained therefrom, and to name effective dates as of July 1, next ensuing:

Provided, however, That if schedules applicable to Government messages are already on file and in effect and are in accord with the provisions of this order, new and revised schedules need not be filed.

8. That in every case where any schedule containing charges applicable to commercial messages shall be changed, or the charges made by any foreign carrier shall be changed, the schedule containing the charges applicable to Government messages shall be correspondingly changed, effective on the same date.

9. That nothing herein contained shall apply to charges fixed by agreement between any department of the United States Government and the companies performing the service if such agreement be authorized in any statute of the United States.

10. That nothing herein contained shall be construed to give Government messages priority over radio communications or signals which are given a higher priority under section 321 (b) of the Communications Act of 1934, as amended; or under Article 26 of the General Radio Regulations (Cairo Revision, 1938) Annexed to the International Telecommunications Convention (Madrid, 1932); nor shall anything contained herein be construed to give Government messages priority over messages given a higher priority under any order of the Board of War Communications.

This order shall become effective on the first day of July, 1943, and shall continue in effect until June 30, 1944, both dates inclusive, unless subsequently changed by order of the Commission.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 43-10621; Filed, July 1, 1943; 11:31 a. m.]

[Order 83-D]

#### PART 13.—RULES GOVERNING COMMERCIAL RADIO OPERATORS

##### SUSPENSION OF REQUIREMENTS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C. on the 29th day of June, 1943;

The Commission having under further consideration the matter of the shortage of radiotelegraph operators possessing six months' previous service as a qualified operator in a station on board a ship or ships of the United States, and having in mind the related provisions of Sections 351 and 353 of the Communications Act of 1934, as amended; and

It appearing that the Commission by Orders Nos. 83, 83-A, 83-B, and 83-C suspended for the periods July 9, 1941 to January 9, 1942, January 9, 1942 to July 9, 1942, July 9, 1942 to January 9, 1943, and January 9, 1943 to June 30, 1943, respectively, the requirements of six months' previous service contained in section 353 (b) of said Act and subparagraphs (c) (3) and (d) (2) of § 13.61 of the rules and regulations; and

It appearing further that a shortage of radiotelegraph operators available for assignment as qualified operators on



board cargo ships of the United States, who possess six months' previous service, will continue to exist subsequent to June 30, 1943, and accordingly, further suspension of the foregoing requirement is necessary;

It is ordered, Pursuant to Public Law No. 85, 78th Congress, approved June 22, 1943, that the aforesaid requirements contained in section 353 (b) of the Communications Act of 1934, as amended, and in subparagraphs (c) (3) and (d) (2) of § 13.61 of the rules and regulations be, and the same are hereby, suspended for a further period beginning July 1, 1943 and ending December 31, 1943.

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION.  
T. J. SLOWIE, Secretary.

[F. R. Doc. 43-10678; Filed, July 2, 1943;  
11:54 a. m.]

#### PART 42—PRESERVATION OF RECORDS TELEGRAMS AND SHIP MESSAGES

The Commission, on June 29, 1943, effective immediately, amended § 42.91 *Records described; applicability; permanent records* as follows:

83. *Telegrams (other than ship messages) and cablegrams.* (a) All classes of original filed telegraph and cable messages transmitted at public tariff rates. This item also covers the original transcript of messages received over telephones for transmission—3 months (but see note).

(b) Tissue or carbon copies, made at destination offices, of messages covered by item (a) above—3 months (but see note).

84. *Ship messages.* (a) All classes of original filed ship messages (meaning messages transmitted by maritime mobile stations), transmitted at public tariff rates; also tissue or carbon copies of such messages made at coast and ship destination stations—15 months (but see note).

The following note was added at the bottom of the pages on which items 83 and 84 appear:

NOTE: Commission Order No. 78-C, effective July 1, 1942, requires retention by each carrier engaged in international or maritime mobile communication, until further order of the Commission, of originals or copies of all messages filed since December 31, 1940, and transmitted by it to, or received by it from, (1) points beyond the continental United States and (2) maritime mobile stations. (Sec. 4 (i), 48 Stat. 1068; 47 U. S. C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 43-10679; Filed, July 2, 1943;  
11:54 a. m.]

#### PART 43—REPORTS (RULES GOVERNING THE FILING OF INFORMATION, CONTRACTS, PERIODIC REPORTS, ETC.)

##### NEGOTIATIONS WITH FOREIGN ADMINISTRATIONS OR COMPANIES

The Commission, on June 29, 1943, effective immediately, adopted the following new section:

§ 43.55 *Negotiations with foreign administrations or companies.* Each carrier engaging or participating in foreign telegraph or telephone communication shall file with the Commission, in duplicate, a statement of all current negotiations, written or oral, with any foreign administration, agency or carrier, for the establishment of a circuit between the United States and any foreign point, and shall file with the Commission, in duplicate, a statement of all negotiations, written or oral, with any foreign administration, agency or carrier, for any new foreign traffic contract, arrangement or understanding or any change or modification in any existing foreign traffic contract, arrangement or understanding, relating to traffic affected by the provisions of the Communications Act of 1934, as amended. A statement as to all pending negotiations not previously filed shall be filed within 30 days after the adoption of this rule, and statement as to negotiations in the future shall be filed currently as the negotiations occur. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 43-10680; Filed, July 2, 1943;  
11:54 a. m.]

#### TITLE 49—TRANSPORTATION AND RAILROADS

##### Chapter II—Office of Defense Transportation

[General Order ODT 40]

##### PART 502—DIRECTION OF TRAFFIC MOVEMENT

##### SUBPART K—SALE, TRANSFER, AND CHARTER OF VESSELS

Pursuant to Executive Orders numbered 8989, 9054, and 9244, and in order to assure maximum utilization of the facilities, services, and equipment of carriers by watercraft for the preferential transportation of materials of war, and to prevent shortages of equipment necessary for such transportation, as contemplated by section 6 (8) of the Interstate Commerce Act; to expedite the movement and provide for the maximum flow of such traffic; and to assure the most effective utilization of the shipping of the United States and to conserve and providently utilize the transportation facilities and services of carriers by watercraft, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

- Sec.
- 502.155 Definitions.
- 502.156 Sale, transfer and charter of vessels.
- 502.157 Exemptions.
- 502.158 Ship Warrants Act and Shipping Act, 1916, not affected.
- 502.159 Revocation.
- 502.160 Federal Reports Act of 1942.
- 502.161 Communications.

AUTHORITY: §§ 502.155 to 502.161, inclusive, issued under E.O. 8363, 8054, 9244; 6 F.R. 6725, 7 F.R. 837, 7327.

§ 502.155 *Definitions.* As used in this order (§§ 502.155-502.161), or in any order, direction, permit, regulation or approval issued hereunder, the term:

(a) "Person" means any individual, partnership, corporation, association, joint stock company, business trust, or other organized group of persons, or any trustee, receiver, assignee, or personal representative, and includes any department or agency of the United States, any State, the District of Columbia, or any other political, governmental or legal entity.

(b) "Vessel" means any watercraft or other artificial contrivance of whatever description having a gross tonnage of 500 tons or more, or having power of 150 horsepower or more, (1) which is documented as a vessel of the United States, allocated to the United States, or owned or controlled by a citizen of the United States, and (2) which is designed or converted for use, which is used, or which is capable of being used, or is intended to be used as a means of transporting property or persons by water.

§ 502.156 *Sale, transfer, and charter of vessels.* (a) No person shall buy, sell, transfer, or charter any vessel, or enter into any contract or agreement in contemplation of such purchase, sale, transfer, or charter without first securing approval thereof from either the Office of Defense Transportation or the War Shipping Administration, as the case may be, as hereinafter provided.

(b) Application for approval with respect to the following vessels shall be made to the War Shipping Administration in the form set forth in the appendix hereto: (1) vessels owned by or chartered or allocated to the War Shipping Administration, (2) vessels engaged in trade to or from Alaska, Puerto Rico, and the Hawaiian Islands, or vessels the last employment of which was in such trade, and (3) vessels, other than vessels operated exclusively on the Great Lakes, engaged in foreign trade or the last employment of which was in such trade.

(c) Application for approval with respect to all vessels not designated in § 502.156 (b) shall be made to the Office of Defense Transportation in the form set forth in the appendix hereto.

§ 502.157 *Exemptions.* The provisions of this order shall not apply to (a) the requisition, sale, transfer, charter, or entry into a contract or agreement in contemplation of such requisition, sale, transfer, or charter by or with the Maritime Commission or the War Shipping Administration, or (b) vessels principally used or held for use for pleasure purposes or fishing, (c) vessels operated exclusively on the Great Lakes and which are equipped with a belt conveyor self-unloading device or which have been certified by the Office of Defense Transportation as capable of transporting iron ore, (d) the charter of vessels engaged in domestic trade when such charter is for a single voyage or will expire within 60 days after its execution and which does not contain an option for renewal, or (e) the charter of self-propelled tankers of 1000 gross tons or more operated other

than on the Great Lakes and of other vessels described in § 502.156 (b) hereof, when such charter is filed with the War Shipping Administration by an applicant for a warrant pursuant to the Ship Warrants Act (Public Law 173, 77th Congress), the Ship Warrant Rules and Regulations of the War Shipping Administration (War Shipping Administration General Order No. 25; 8 F.R. 279), and any orders, conditions, rules and regulations heretofore or hereafter issued pursuant thereto.

§ 502.158 *Ship Warrants Act and Shipping Act, 1916, not affected.* Nothing in this order shall be construed to conflict with the Act of July 14, 1941 (Public Law 173, 77th Congress) or any of the provisions of the Shipping Act, 1916, as amended (39 Stat. 728, Chap. 451, approved Sept. 7, 1916), or any rule or regulation issued thereunder.

§ 502.159 *Revocation.* War Shipping Administration General Order No. 27 (7 F.R. 9789) dated November 23, 1942, and War Shipping Administration General Order No. 27, Supplement No. 1 (7 F.R. 10299) dated December 8, 1942, are hereby revoked.

§ 502.160 *Federal Reports Act of 1942.* The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Specific reporting requirements subsequently prescribed will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 502.161 *Communications.* Communications concerning this order should be addressed to the Assistant Director in Charge Waterway Transport, Office of Defense Transportation, Washington, D. C., or Executive Assistant, Ship Operations, War Shipping Administration, Washington, D. C.

This order shall become effective July 2, 1943.

Issued at Washington, D. C., this 2d day of July 1943.

JOSEPH B. EASTMAN,  
Director, Office of Defense  
Transportation.

E. S. LAND,  
Administrator, War Shipping  
Administration.

Budget Bureau Approval No. 05-R081  
Approval expires Dec. 31, 1943

#### APPENDIX TO GENERAL ORDER ODT 40

APPLICATION FOR APPROVAL OF THE SALE, TRANSFER OR CHARTER OF A VESSEL PURSUANT TO A GENERAL ORDER ISSUED BY THE OFFICE OF DEFENSE TRANSPORTATION AND THE WAR SHIPPING ADMINISTRATION

(to be submitted in triplicate)

Date.....  
I. Name of owner.....; address.....  
II. Name of purchaser.....; address.....  
charterer.....  
III. Name of vessel.....; official no.....  
type.....; age.....; flag.....  
size (gross).....(d.w.t.).....; in  
operation.....; where.....  
laid up.....; where.....  
how long.....; are any preferred  
mortgages recorded against vessel.....

#### IV. If vessel to be sold:

(a) State business of purchaser.....  
(b) If not wholly owned by citizens of the United States, state percentage, names, and addresses of alien interests.....  
(c) Describe trade in which vessel to be employed by purchaser.....  
(d) Sales price..... Terms.....

#### V. If vessel to be chartered:

(a) State business of charterer.....  
(b) If not wholly owned by citizens of the United States, state percentage, names, and addresses of alien interests.....  
(c) Form of charter..... Duration.....  
Charter rate.....  
(d) Trading limits.....  
(e) Commodities to be carried.....  
(f) Loading date.....

NOTE: Applicant must submit certified copy of executed charter party with application, if possible. Advance approval may be obtained, however, in case of urgency, of above details submitted by telegram and later confirmed by letter with copy of charter party.

(Signature of Applicant)

[F. R. Doc. 43-10659; Filed, July 2, 1943;  
11:29 a. m.]

### Notices

#### DEPARTMENT OF THE INTERIOR.

##### Bituminous Coal Division.

[Docket No. A-1846, Part II]

##### DISTRICT BOARD 18

#### ORDER RESCHEDULING HEARING AND REDESIGNATING TRIAL EXAMINER

In the matter of the petition of District Board No. 18 for the establishment of certain price classifications and minimum prices for coals produced in Sub-district 1 of District No. 18.

A hearing in the above-entitled matter having been scheduled to commence at a hearing room of the Bituminous Coal Division at Washington, D. C. on April 2, 1943, pursuant to an order of the Director issued on March 9, 1943, and having been subsequently postponed by an order of the Director issued on March 25, 1943, pending further order;

Said order of March 9, 1943, having designated Travis Williams, or any other officer or officers of the Bituminous Coal Division, to preside at the hearing in such matter; and

It appearing that the time and place for the holding of the hearing in this matter should be redesignated;

Now, therefore, it is ordered, That a hearing in the above-entitled matter heretofore scheduled to be held at a hearing room of the Bituminous Coal Division in Washington, D. C. be held on August 7, 1943, at 10 o'clock a. m. at a hearing room of the Bituminous Coal Division at the Franciscan Hotel, Albuquerque, New Mexico.

It is further ordered, That Charles O. Fowler, or any other duly designated officer or officers of the Bituminous Coal Division, shall preside at the said hearing in such matter vice Travis Williams.

It is further ordered, That the notice of and order for hearing herein, dated March 9, 1943, shall in all other respects remain in full force and effect.

Dated: June 30, 1943.

[SEAL] DAN H. WHEELER,  
Director.

[F. R. Doc. 43-10653; Filed, July 2, 1943;  
11:03 a. m.]

[Docket No. A-1989, Part II]

##### DISTRICT BOARD 13

#### NOTICE OF AND ORDER FOR HEARING

In the matter of the petition of District Board No. 13 for the establishment of price classifications and minimum prices for Mine Index Nos. 38, 1526, 1527, 1641, 1760, 1766, 1776 and 1780.

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on August 3, 1943, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before July 20, 1943.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may

be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 13 requesting the establishment of minimum prices of \$4.15, \$4.15, \$3.90, \$3.65, \$3.45, \$3.45, \$3.35, \$3.40, \$3.30, \$3.20, \$3.05, \$2.95, \$2.95, \$2.55, \$3.20, \$3.20, and \$3.20 per ton for coals in Size Groups 1, 2, 3, 6, 7, 8, 9, 10, 11, 13, 17, 22, 18, 23, 24, 25, and 26, respectively, produced by Radiant Strip Mine, Mine Index No. 1780, of McWilliams Dredging Company for shipments by truck.

The petition also requests the establishment for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing of:

Minimum prices of \$2.65 per ton for coals in Size Groups 13, 19, and 20 produced by Powhatan No. 2 Mine, Mine Index No. 1760 and Powhatan No. 6 Mine, Mine Index No. 1766, of Franklin Coal Mining Company for shipments by rail to Market Area 147, and minimum prices ten cents per ton less, respectively, than the minimum applicable to coals in these size groups produced by Powhatan Mine, Mine Index No. 53 of Franklin Coal Mining Company for rail shipments to all other market areas.

Minimum prices for Size Group 18 coals produced by Sayreton Mine, Mine Index No. 38 and Sayre Mine, Mine Index No. 1527 of the Republic Steel Corporation, for rail shipments to all market areas the same as are applicable to the coals produced by Praco Mine, Mine Index No. 54 of Alabama By-Products Corporation, in the same size group for such shipments to the respective market areas.

Minimum prices for Size Group 18 coals produced by Virginia Mine, Mine Index No. 1526 of Republic Steel Corporation for rail shipments to all market areas the same as are applicable to coals in the same size group produced by Blossburg E Mine, Mine Index No. 71 of Brookside-Pratt Mining Company for such shipments to the respective market areas.

Minimum prices of \$4.05, \$4.05, \$3.95, \$3.65, \$3.20, \$3.20, \$3.00, \$2.90, \$3.05, \$2.90, \$2.80 and \$3.30 per ton for coals in Size Groups 1, 2, 4, 6, 10, 13, 17, 18, 19, 22, 23, and 26, respectively, for coals produced by Radiant Strip Mine, Mine Index No. 1780 of McWilliams Dredging Company, for shipments by rail to Market Area 147 and for shipments by rail to all other market areas, as follows: For Size Groups 1, 2, 4, 6, 10, 13, 17, 18, 19, and 26, the same minimum prices as are applicable to the coals in the same size groups produced by Radiant Mine, Mine Index No. 15, of Nauvoo Black Creek Coal Company and for Size Groups 22 and 23, minimum prices ten cents per ton less than minimum prices applicable to Size Groups 17 and 18 coals produced by Mine Index No. 15.

Minimum prices for coals in Size Groups 6 and 18, respectively, produced by Holcomb Hill No. 4 Mine, Mine Index No. 1641 of Dickinson & McGuire (Leon Dickinson) for rail shipments to all

market areas, the same as are applicable to coals produced by Mine Index No. 18 (Brilliant Mine of Brilliant Coal Company) in the same size groups, for such shipments to the respective market areas.

Minimum prices of \$3.35, \$3.35, \$3.25, \$2.80, \$2.70, \$2.65, \$2.55, \$2.55, \$2.55, \$2.35, \$2.35, \$2.25, \$2.20, \$1.85, and \$2.80 per ton for coals in Size Groups 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, respectively, produced by Abeel No. 2 Mine of Grant & Mayes (Joe Grant) for shipments by rail to Market Area 113 and for shipments by rail to all other market areas, minimum prices ten cents per ton less than the minimum prices applicable to coals for shipment to the respective market areas in the same size groups respectively, produced by mines in Price Group No. 1.

Dated: June 30, 1943.

[SEAL]

DAN H. WHEELER,  
Director.

[F. R. Doc. 43-10654; Filed, July 2, 1943;  
11:03 a. m.]

#### Bureau of Reclamation.

#### BOISE PROJECT, IDAHO

#### FIRST FORM RECLAMATION WITHDRAWAL

#### The SECRETARY OF THE INTERIOR.

Sir: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal, as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388), and that Departmental Order of April 8, 1935, establishing Idaho Grazing District No. 1, be modified and made subject to the withdrawal effected by this order.

#### BOISE PROJECT

#### BOISE MERIDIAN, IDAHO

T. 5 N., R. 2 W.,  
Sec. 18, lot 1, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 5 N., R. 3 W.,  
Sec. 4, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 8, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 17, NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .  
T. 6 N., R. 3 W.,  
Sec. 6, lot 4;  
Sec. 15, lots 1, 2, S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 19, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 26, SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 27, NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 28, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 29, S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 30, N $\frac{1}{2}$ NE $\frac{1}{4}$ ;  
Sec. 31, S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 34, W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ .  
T. 5 N., R. 4 W.,  
Sec. 1, lots 3, 4, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 6 N., R. 4 W.,  
Sec. 1, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 11, N $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 12, E $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 13, N $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 23, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 25, N $\frac{1}{2}$ SE $\frac{1}{4}$ .  
T. 7 N., R. 4 W.,  
Sec. 27, NW $\frac{1}{4}$ SW $\frac{1}{4}$ .  
T. 6 N., R. 5 W.,  
Sec. 35, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 7 N., R. 5 W.,  
Sec. 22, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;  
Sec. 23, NW $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 26, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 27, SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Respectfully,

H. W. BASHORE,  
Acting Commissioner.

I concur June 7, 1943.

ARCHIE D. RYAN,  
Acting Director of the Grazing Service.

I concur June 16, 1943.

FRED W. JOHNSON,  
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,  
First Assistant Secretary.

JUNE 23, 1943.

[F. R. Doc. 43-10647; Filed, July 2, 1943;  
10:17 a. m.]

#### DEPARTMENT OF AGRICULTURE.

#### Rural Electrification Administration.

[Administrative Order 767]

#### ALLOCATION OF FUNDS FOR LOANS

JUNE 24, 1943.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project Designation:	Amount
Minnesota 3083F1 Scott.....	\$51,000
Missouri 3023B2 Lewis.....	25,000
Missouri 3026C2 Ralls.....	15,000
North Carolina 3-2032B3 Person.....	10,000
Virginia 3011G6 Rockingham.....	28,000
Washington 3031A3 Chelan.....	8,000

[SEAL] HARRY SLATTERY,  
Administrator.

[F. R. Doc. 43-10673; Filed, July 2, 1943;  
11:41 a. m.]

#### CIVIL AERONAUTICS BOARD.

[Docket No. 632]

#### DELTA AIR CORPORATION

#### NOTICE OF ORAL ARGUMENT

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and services connected therewith of Delta Air Corporation over Routes Nos. 24 and 54.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument is assigned to

be held on July 5, 1943, 10 a. m. (eastern war time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated July 1, 1943, Washington, D. C.  
By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,  
Secretary.

[F. R. Doc. 43-10645; Filed, July 2, 1943;  
10:07 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION.

NEBRASKA CONTINENTAL TELEPHONE CO.,  
ET AL.

### ORDER FOR FILING PLAN AND NOTICE OF HEARING

In the matter of telephone plant continuing property records.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of June, 1943;

The Commission having under consideration a petition filed on May 13, 1943, by the Nebraska Continental Telephone Company, and a petition filed on May 16, 1943, by The Home Telephone and Telegraph Company, requesting exemption from the requirements of § 31.2-26 of the Commission's Rules and Regulations with respect to telephone plant continuing property records, or, if the Commission does not see fit thus to exempt the petitioners, that the Commission extend, for a reasonable time after the end of the war, the dates for filing the required plans and for completion of the required records; and

The Commission having also under consideration a petition filed on June 14, 1943, by the United States Independent Telephone Association making a similar request on behalf of the Class A and Class B "Independent" Telephone Companies generally; and

It appearing, that the Class A and Class B telephone carriers subject to the Communications Act of 1934, as amended, were required by the Uniform System of Accounts applicable to them to begin the preparation of continuing property records not later than January 1, 1937:

It is ordered, That Class A and Class B "Independent" Telephone Companies on whose behalf the above petitions have been filed except any such Company which has been found by the Commission, after public hearings, to be directly or indirectly controlling or controlled by, or under direct or indirect common control with, a Bell System Telephone Company, be, and they are hereby, allowed until January 1, 1944, in which to file a plan, or a concurrence, as required by paragraphs (b) and (c) of § 31.2-26 of the Commission's rules and regulations;

It is further ordered, That a conference shall be promptly held, at a date to be hereafter fixed, for the purpose of considering means of facilitating and expediting compliance by the carriers

on whose behalf such petitions were filed with the requirements of § 31.2-26 of the Commission's rules and regulations.  
By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 43-10681; Filed, July 2, 1943;  
11:54 a. m.]

## FEDERAL SECURITY AGENCY.

### Food and Drug Administration.

#### STATEMENT OF POLICY WITH RESPECT TO THE ADDITION OF NUTRITIVE INGREDIENTS TO FOODS

The labeling or advertising of a food as enriched with vitamins and minerals is an implied promise to consumers that it contains, in addition to the normal constituents of the unenriched food, sufficient vitamins and minerals to make a substantial contribution to the nutritional welfare of persons eating the enriched food in customary amounts. In order to promote honesty and fair dealing by fulfilling this implied promise, it is necessary that the kinds and quantities of enriching ingredients be determined in the light of deficiencies of the various nutritional factors in the diets of the population in general and of significant population groups, the place occupied by the food in such diets, and the suitability and effectiveness of the food as a carrier of the enriching ingredients without undue separation or loss before consumption.

Honesty and fair dealing will best be promoted if such enriched foods as are made available to consumers serve to correct such deficiencies and furnish a reasonable margin of safety. Enrichment above the levels required to accomplish this end is wasteful and contrary to the interest of most consumers; nutrient factors in concentrated form are available for use in those special cases of deficiencies in the diets of persons who do not constitute significant population groups. Enrichment of foods with nutrients that are supplied in adequate quantities by the diets of all significant population groups is not only wasteful but tends to confuse consumers as to their nutritional needs.

Knowledge of the roles in human nutrition of various components of food, particularly the vitamins, is incomplete. There is reason to believe that as new information is developed food factors not now recognized as essential may be shown to be necessary to adequate nutrition.

Most natural foods contain a wide variety of needed factors in significant amounts. It is highly probable that a diet of unenriched foods so chosen as to contain the required quantities of the presently known needed vitamins and other factors would more nearly supply all needed factors, known and unknown, than a diet which is raised by enrichment to adequacy in the vitamins and minerals now known to be needed.

Even though adequate nutrition could be better assured through the choice of

natural foods than through reliance on enrichment, unenriched foods of the kinds and in the quantities necessary for adequate nutrition are not now available to substantial parts of the population and are not likely to be available soon; nor are most consumers sufficiently educated on nutritional questions to enable them to make an intelligent choice of combinations of unenriched foods on the basis of nutritional values.

Because of the lack of adequate production of a number of foods high in certain nutrients and the lack of consumer knowledge of nutrition, appropriate enrichment of a few foods widely consumed by the population in general or by significant population groups will contribute substantially to the nutritional welfare of consumers and to meeting their expectations of benefit. Enrichment of those foods which are not a substantial part of the dietary of any significant group tends to confuse and mislead consumers through giving rise to conflicting claims of nutritional values and by creating an exaggerated impression of the benefits to be derived from the consumption of such foods.

If the customary process of manufacturing a staple food refines it so as to remove significant quantities of nutritive factors present in the natural product from which the food is made, and if the refined food is a suitable and efficient carrier of the factors so removed, some nutritionists advocate the restoration of such factors to the levels of the natural product as the most desirable basis of enrichment. To the extent that restoration serves to correct deficiencies of such factors, it is consistent with the promotion of honesty and fair dealing that refined foods be enriched on a restoration basis. However, when the evidence shows that the restoration levels are too low to correct deficiencies, or that deficiencies exist in other factors for which the refined food is an efficient carrier, the promotion of honesty and fair dealing may require the inclusion of corrective quantities of nutritive factors in the enriched food even though such factors are present in smaller quantities or wholly lacking in the natural product from which the food is made. Similar considerations may require the enrichment of unrefined foods.

[SEAL] WATSON B. MILLER,  
Acting Administrator.

JULY 1, 1943.

[F. R. Doc. 43-10655; Filed, July 2, 1943;  
11:13 a. m.]

## INTERSTATE COMMERCE COMMISSION.

[Special Permit 23 Under Service Order 123]  
MISSOURI PACIFIC RAILROAD COMPANY

### REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), or connection, but not both, to reice once in transit after the first or initial icing ART 73004, ART 17068 or ART 17078, containing potatoes from Benton Wholesale Grocery Co., Benton, Arkansas, consigned Balsano Fruit & Produce Co., St. Louis, Missouri; also for the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), or connection, but not both, to reice once in transit after the first or initial icing WRX 9600 from Gerry Horton, Famoso, California, consigned Balsano Fruit & Produce Co., St. Louis, Missouri; also for the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee), or connection, but not both, to reice once in transit after the first or initial icing NRC 16015 from Jones Brothers, Spiro, Oklahoma, consigned to G. A. Marsh, St. Louis, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 26th day of June 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-10665; Filed, July 2, 1943;  
11:35 a. m.]

[Special Permit 24 Under Service Order 123]  
LOUISVILLE AND NASHVILLE RAILROAD CO.

#### REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Louisville and Nashville Railroad Company to reice once in transit after the first or initial icing ART 16552, NRC 17035, MDT 18362, and MDT 19548 or 18548 containing potatoes from Arkansas and Oklahoma origins shipped by T. O. Cole, Fort Smith, Arkansas, and consigned The Castellini Co., Cincinnati, Ohio.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 28th day of June 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-10666; Filed, July 2, 1943;  
11:35 a. m.]

No. 131-10

[Special Permit 25 Under Service Order 123]

#### PERE MARQUETTE RAILWAY COMPANY

#### REICING OF POTATOES IN TRANSIT

Pursuant to the authority vested in me by paragraph (c) of the first ordering paragraph (§ 95.307) of Service Order No. 123 of May 14, 1943, as amended, permission is granted for:

The Pere Marquette Railway Company to reice once after the first or initial icing MDT 19571 containing potatoes from Cedars, Oklahoma, shipped by T. O. Cole, Fort Smith, Arkansas, and consigned J. A. Besteman or S. B. Davis, Grand Rapids, Michigan.

The waybill shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 29th day of June 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-10667; Filed, July 2, 1943;  
11:35 a. m.]

[Special Permit 1 Under Service Order 126]

#### COMMON CARRIERS BY RAILROAD

#### INITIAL ICING OF POTATOES

Pursuant to the authority vested in me by paragraph (d) of the first ordering paragraph (§ 95.308, 8 F.R. 7285) of Service Order No. 126 of May 29, 1943, as amended (8 F.R. 7728; 8 F.R. 8082; 8 F.R. 9033), permission is granted for:

Common carriers by railroad to initially ice or permit to be initially iced a refrigerator car or cars loaded with potatoes originating in Virginia and consigned to installations of the Armed Forces of the Federal Government located at points in the States of Alabama, Florida, Georgia, or South Carolina, but not in excess of 5,000 pounds of ice per car: *Provided, however,* That where a refrigerator car is equipped for half-stage icing, such ice, but not to exceed 5,000 pounds per car shall be placed in the upper half of the bunkers with grates set for half-stage icing.

This permit shall not be construed to allow any reicing.

Not more than eight (8) refrigerator cars shall be loaded for shipment under this permit in any one day.

Waybills shall show reference to this special permit.

Unless sooner cancelled, changed, or extended, this permit shall expire at 12:01 A. M. August 1, 1943.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with

the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 1st day of July 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-10661; Filed, July 2, 1943;  
11:35 a. m.]

[Special Permit 4 Under Service Order 133]

CHICAGO, BURLINGTON & QUINCY RAILROAD CO. AND MISSOURI PACIFIC RAILROAD CO.

#### REICING OF VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Chicago, Burlington & Quincy Railroad Company to initially ice or reice with both bunker and top or body ice PFE 75225, loaded with vegetables in mixed lots, destined Woodlawn, Nebraska; also for the Missouri Pacific Railroad Company (Guy A. Thompson, Trustee) to initially ice or reice with both bunker and top or body ice PFE 40363, loaded with vegetables in mixed lots, destined Great Bend, Kansas, originating beyond or at Kansas City, Missouri.

The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 28th day of June 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-10662; Filed, July 2, 1943;  
11:35 a. m.]

[Special Permit 5 Under Service Order 133]

UNION PACIFIC RAILROAD CO. AND CHICAGO, BURLINGTON AND QUINCY RAILROAD CO.

#### REICING OF VEGETABLES IN TRANSIT

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

The Union Pacific Railroad Company to initially ice or reice with both bunker and top or body ice PFE 83590, loaded with vegetables in mixed lots, destined Fort Riley, Kansas; also for the Chicago, Burlington & Quincy Railroad Company, or connection, to initially ice or reice with both bunker and top or body ice PFE 42475, loaded with vegetables in mixed lots, destined Sergeant Bluff, Iowa; also for the Chicago, Burlington & Quincy Railroad Company to initially ice or reice with both bunker and top or body ice MDT 3470, loaded with vegetables in mixed lots, destined Sioux Falls, South Dakota, originating beyond or at Kansas City, Missouri.



The waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 29th day of June 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-10663; Filed, July 2, 1943;  
11:35 a. m.]

[Special Permit 6 Under Service Order 133]

#### COMMON CARRIERS BY RAILROAD

##### REICEING OF GREEN CORN IN TRANSIT.

Pursuant to the authority vested in me by paragraph (b) of the first ordering paragraph (§ 95.313, 8 F.R. 8554) of Service Order No. 133 of June 19, 1943, permission is granted for:

Common carriers by railroad to ice and re-ice, with both bunker and top or body ice, green corn in straight shipments loaded in standard refrigerator cars RS type (without collapsible bunkers).

The bills of lading and waybills shall show reference to this special permit.

A copy of this permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register, The National Archives.

Issued at Washington, D. C., this 1st day of July 1943.

HOMER C. KING,  
Director, Bureau of Service.

[F. R. Doc. 43-10664; Filed, July 2, 1943;  
11:36 a. m.]

#### OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 3, Revised-33]

TAMIAMI TRAIL TOURS, INC. AND FOGARTY BROTHERS TRANSFER, INC.

COORDINATED OPERATIONS BETWEEN POINTS IN FLORIDA

Upon consideration of the application for authority to coordinate operations as common carriers by motor vehicle in the transportation of shipments between points in Florida, filed with the Office of Defense Transportation by Tamiami Trail Tours, Inc., and Fogarty Brothers Transfer, Inc., both of Tampa, Florida,

designated herein as Tamiami and Fogarty, respectively, as governed by § 501.9 of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), and

It appearing that such coordination is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the above-named carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. Tamiami shall suspend local service to all points between Tampa and Sarasota, including Sarasota, Florida, on its route over U. S. Highway 41, and divert to Fogarty all shipments moving to such points through Tampa or Sarasota.

2. Fogarty shall:

(a) Accept and transport to destination all shipments diverted to it by Tamiami pursuant to paragraph 1 hereof;

(b) Perform warehousing and collection service in respect of shipments tendered to it on bills of lading of Tamiami in the Bradenton-Sarasota area and destined to points south or east of Sarasota; and

(c) Perform delivery service in Bradenton and Sarasota in respect of shipments destined to those points and originating on the lines of Tamiami south of Sarasota.

3. The carrier to which a shipment has been diverted shall transport such shipment pursuant to the lawfully applicable rates, charges, rules and regulations of the diverting carrier.

4. Except as may be otherwise provided by agreement between the carriers, or prescribed by the Interstate Commerce Commission or by an appropriate State regulatory body, the division of revenues derived from the transportation performed pursuant hereto shall be as determined by the Office of Defense Transportation.

5. All records of the carriers pertaining to any transportation performed pursuant to this order shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any shipper. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

7. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

8. Contractual arrangements made by the carriers to effectuate the terms of this order shall not extend beyond the effective period of this order.

9. Communications concerning this order should refer to "Supplementary Order 3, Revised-33", and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

10. This order shall become effective July 16, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 2d day of July 1943.

JOSEPH B. EASTMAN,  
Director,

Office of Defense Transportation.

[F. R. Doc. 43-10668; Filed, July 2, 1943;  
11:36 a. m.]

#### OFFICE OF PRICE ADMINISTRATION.

##### Regional Office Orders.

[Region VII Order G-1]

##### EGGS SOLD TO THE ARMED FORCES IN DENVER, COLORADO

Order No. G-1, under § 1499.18 (c) as amended, of the General Maximum Price Regulation (formerly Order No. 1).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(1) *Maximum prices for eggs sold to the armed forces on bids requested by the Quartermasters Market Center of the Department of War at the Denargo Market, Denver, Colorado.* The maximum prices for eggs sold and delivered to the armed forces on bids requested by the Quartermasters Market Center of the Department of War at the Denargo Market in Denver, Colorado, shall be from and after the effective date of this order, as follows:

(a) Eggs that grade Export 2 or Export 3, 44½¢ per dozen, f. o. b. Denver, Colorado, packed in cases according to specifications stated in bid.



(b) Eggs that grade Export 4, 44¢ per dozen, f. o. b. Denver, Colorado, packed in cases according to specifications stated in bid.

(2) This order may be revoked, modified or amended by the Price Administrator or Regional Administrator at any time; and it shall, without affirmative action of any sort whatsoever, cease and terminate immediately upon the effective date of any Maximum Price Regulation hereafter issued by the Office of Price Administration governing sales of eggs to the Armed Forces in the Colorado Area.

(3) This order becomes effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 25th day of November 1942.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-10633; Filed, July 1, 1943;  
3:40 p. m.]

[Region VII Order G-2]

FLUID MILK IN ROSWELL-ARTESIA AREA,  
NEW MEXICO

Order No. G-2 (formerly Order No. 2) under § 1499.18 (c) as amended, of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

(1) *Maximum prices for fluid milk in bottles or paper containers sold at wholesale and retail in the Roswell-Artesia area of the State of New Mexico.* The maximum prices for fluid milk in bottles or paper containers sold at wholesale and retail in the Roswell-Artesia area of the State of New Mexico shall be, from and after the effective date of this order, as follows:

(a) Commodity in bottles or paper containers:

Grade	Wholesale price	Retail price
	Cents	Cents
1 quart fluid milk approved.....	12	14
1 pint fluid milk approved.....	7	9
1 gallon fluid milk approved.....	42	49

(2) The customary differential of 1 cent per quart reduction in price on sales of 4 quarts or more at retail is hereby abolished and discontinued.

(3) *Definitions.* The Roswell-Artesia area means all that portion of the Pecos River Valley lying south of a line drawn east and west through a point three miles north of the corporation limits of Roswell, New Mexico, and north of a line drawn east and west through a point three miles south of the corporate limits of Artesia, New Mexico.

(4) This order may be revoked, modified or amended by the Price Administrator

or Regional Administrator at any time.

(5) This order becomes effective December 1, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 1st day of December 1942.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-10634; Filed, July 1, 1943;  
3:40 p. m.]

[Region VII Order G-2, Amdt. 1]

FLUID MILK IN ROSWELL-ARTESIA AREA,  
NEW MEXICO

Amendment No. 1 to Order No. G-2 under § 1499.18 (c) as amended, of the General Maximum Price Regulation (formerly Order No. 2).

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c), as amended, of the General Maximum Price Regulation, *It is hereby ordered:*

Paragraph (3) of said Order No. G-2 is hereby amended to read as follows:

(3) *Definition.* The "Roswell-Artesia area" means all of the respective area lying within the geographical boundaries of the Counties of Eddy and Chavez in the State of New Mexico.

This amendment becomes effective at 12:01 o'clock a. m. on January 12, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 12th day of January 1943.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-10635; Filed, July 1, 1943;  
3:40 p. m.]

[Region VII Order G-3]

FLUID MILK IN CERTAIN AREAS IN WYOMING

Order No. G-3 (formerly Order No. 3) under § 1499.18 (c) as amended, of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator by § 1499.18 (c) of the General Maximum Price Regulation, *It is hereby ordered:*

(1) The maximum prices of fluid milk sold and delivered at wholesale and retail in bottles or paper containers, in Platte and Goshen Counties of the State of Wyoming, shall be, from and after the effective date of this order, as follows:

Fluid milk	Wholesale	Retail
	Cents	Cents
1/2 pint.....	3 1/4	5
Pint.....	6	7
Quart.....	19	12
1/2 gallon.....	29	22
Gallon.....	53	43

(2) Any person making a first sale of milk to any consumer at these established maximum prices shall, at the time of delivery, furnish the buyer with either a printed or written slip containing the following information:

Maximum prices established for fluid milk in Platte and Goshen Counties, Wyoming, by Order No. 3 issued by the Regional Administrator and effective December 5, 1942.

Fluid milk	Wholesale	Retail
	Cents	Cents
1/2 pint.....	3 1/4	5
Pint.....	6	7
Quart.....	19	12
1/2 gallon.....	29	22
Gallon.....	53	42

(3) All sellers and distributors of milk who purchase their supplies or any part thereof direct from the producer shall file with the State Office of the Office of Price Administration at Cheyenne, Wyoming, on or before the 20th day of each month, beginning with January, 1942, a statement showing the prices actually paid by such seller or distributor to the producers of milk from whom he purchased any quantity during the preceding month.

(4) All differentials and quantity discounts heretofore established and maintained by any seller, either at wholesale or retail, are hereby abolished: *Provided, however,* That any seller at wholesale or retail may sell at a price lower than the maximum prices established by this order if he so desires.

(5) *Definitions.* For the purpose of this order:

(i) "Milk" means cow's milk produced, processed or unprocessed, distributed and sold in bottles or paper containers for consumption in fluid form as whole milk.

(ii) "Platte and Goshen Counties of the State of Wyoming" mean all the respective areas lying within the geographical boundaries of those counties.

(6) This order may be revoked, modified or amended by the Price Administrator or the Regional Administrator at any time.

(7) This order becomes effective December 5, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 5th day of December 1942.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-10636; Filed, July 1, 1943;  
3:40 p. m.]

[Region VII Order G-3, Amdt. 1]

FLUID MILK IN CERTAIN AREAS IN  
WYOMING

Amendment No. 1 to Order No. G-3 (formerly Order No. 3) under § 1499.18 (c) as amended of the General Maximum Price Regulation.

For the reasons set forth in an opinion issued simultaneously herewith and

under the authority vested in the Regional Administrator by § 1499.18 (c) as amended of the General Maximum Price Regulation, *It is hereby ordered:*

(1) Paragraph (3) of Order G-3 is hereby amended to read as follows:

(3) All sellers and distributors of milk who purchase their supplies or any part thereof direct from the producer shall file with the State Office of the Office of Price Administration at Cheyenne, Wyoming, on or before the 20th day of each month, beginning with January, 1943, a statement showing the prices actually paid by such seller or distributor to the producers of milk from whom he purchased any quantity during the preceding month.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued and effective this 17th day of December 1942.

CLEM W. COLLINS,  
Regional Administrator.

[F. R. Doc. 43-10637; Filed, July 1, 1943;  
3:40 p. m.]

#### WAR FOOD ADMINISTRATION.

##### DESIGNATION OF PERSONS TO HOLD HEARINGS, TO SIGN AND ISSUE SUBPENAS, AND TO ADMINISTER OATHS OR AFFIRMATIONS

Pursuant to the power vested in the War Food Administrator (Executive Orders 9280, 9322, and 9334; 7 F.R. 10179, 8 F.R. 3807, 5423), the names of James M. Carl, John J. Murray, Charles F. Neylan, Richard F. Roche, George R. Springborg, and F. W. Woodley, in addition to the

names of persons added by a document issued under authority of the War Food Administrator on May 21, 1943 (8 F.R. 6741), are hereby added to the list of persons appearing in paragraph (A) of the "Designation of Persons to Hold Hearings, to Sign and Issue Subpenas, and to Administer Oaths or Affirmations", issued by the Secretary of Agriculture of the United States on March 13, 1943 (8 F.R. 3222), and each of the persons so listed in paragraph (A) thereof is authorized to perform any of the acts and exercise any of the powers specified in such designation.

Done at Washington, D. C., this 1st day of July 1943.

PAUL A. PORTER,  
Acting War Food Administrator.

[F. R. Doc. 43-10674; Filed, July 2, 1943;  
11:40 a. m.]